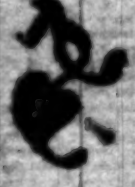
Here beginneth a ryght frutefull mater: & hathe to name the boke of surueyinge and improuementes.



¶ Tho. Barthelet to the reders of this lytel boke.

Rede this boke, with the other of husbandrye
And ye shall fynde them very profytable
Good be houefull, and and moche necessary
To my mynde they be ryght commendable
It is not a feste, a tale, nor a fable,
It is suche mater (ye maye beleue me)
As noble clerkes wrote, in olde antiquyte.
¶ The worthy Caton, that excellent romayne
Columella, Varro, and Virgilius
Of husbandrye to wryte, had in no dysdayne
Nor many other, eloquent and famous
Thought it not a thynge inglorious
Such mater to wryte, wherby they might auaũce
The cõmon welthe. And theyr countre enhaunce.
¶ But in our dayes, some are blinded with folye
That they count husbãdrye, but a thing right vile
Some had leauer wryte of loue, ye of baudrye
Than to so good a mater tourne theyr style
Fonde pleasure and pryde do them so begyle
That slouthe wandreth about in euery waye
And good busynes is fallynge in decay.
¶ Yet neuertheles, good labour to call agayne
In welthy busynesse, men to exercyse
This worthy man, nobly hath done his payne
I meane hym, that these fayde bokes dyd deuyse
He sheweth to husbandes, in ryght fruteful wyse
The many folde good thynges, in brefe sentence
Whiche he hath well proued, by longe experience
¶ And thus I leaue him, in his good wil & mind
That he beareth, vnto the publyke weale
Wolde god noble men, coude in theyr hertes fynd
After suche forme, for the cõmons helth to deale
It is a true token, of hyghe loue and zeale
Whan he so delyteth, and taketh pleasure
By his busy labour, mens welth to procure.

BRITISH MUSEUM

¶ The table of this boke.

Irste the prologue of the auctour for the declaracyon of this present treatyse. Fo.1.

¶ Of castelles and other buyldynges, what the walles, the tymbre, the stone, the leade, the sclate, the tyle, or other of couerynges is worthe by the yere, as well within the walles as without

And also of gardeyns, curtylages, douehouses, and all other profytes be worthe by the yere.

Capitulo. 2. Fo.13.

¶ Howe many feldes are of the demayns, and howe many acres are in euery felde, and what an acre is worthe by the yere. Cap. ii. Fo.4.

¶ Howe many acres of medowe are of the demeyns, and howe moche euery acre is worthe, & to what maner of catell it is moste necessary vnto and howe many beastes it wyll fynde, and what the pasture of a beaste is worthe by the yere Capitulo. iii. Fo.5.

¶ Of forrayne pastures that be common, howe many and of what maner of catell the lorde may haue in the same, and what the pasture of a beste is worth by the yere. Cap. iiii. Fo.6.

¶ Of parkes and demeyne woodes, the whiche the lordes maye asserte and to do his profyte, and howe many acres they contayne, and what the vesture of an acre is worthe, and what ỹ ground is worthe whan the vesture is fallen.

Cap. v. Fo.7.

¶ Of forren wodes where other men haue com-

men whether the Lorde maye emproue hym selfe therof, and of howe many acres, and what the vesture of an acre is worthe, & what the grounde is worthe whan the woode is fallen, and howe many acres they conteyne, and what an acre is worth by the yere. Cap. vi. Fo. eod.

¶ Of four maner of commons. Fo. 8.

¶ Whether the lorde maye gyue or sell the residue of his forreyne wodes, and what suche gyfte or sale is worthe. Cap. vii. Fo. 19.

¶ Of panage and herbage of the towne, and of all other profytes of pooles, meyres, and rynnyng waters: of moores, heythes, and wastes, what they be worth by the yere. Cap. viii. Fo. 10.

¶ Of mylnes seuerall fyshynges, and commen fyshynges, what they be worthe by the yere. Cap. ix. Fo. 11.

¶ Of free tenauntes, the whiche dwell without as well as within. Cap. x. Fo. 12.

¶ Who be free tenauntes and what landes and tenementes and by what fees they holde, and by what seruyce, whether by socage or by knyghte seruyce or other maner, and what rente of Assyse they gyue by the yere, and who holdethe by chartoure, and who by auncyente demeyne, and who by newe feoffemente. Cap. xi. Fo. 13.

¶ Of surrenders of landes holden by the yarde. Fo. 16.

¶ Howe the stewarde shal delyuer season. fo. eo.

¶ The maner of the tenauntes othe. Fo. eod.

¶ Howe the coppe shulde be made of landes holden by the yarde. Fo. eod.

An other forme for certayne rente. Fo. 16.

¶ A recognityon of a tenaunte. Fo. eod.

A forme

¶ A forme of a copye in auncyent demene, where proclamacyons shulde be made. Fo.eod.
¶ The forme of a copy in auncient demene, where the wyfe shalbe examyned. Fo.18.
¶ An other for terme of lyfe. Fo.eod.
¶ An other forme vpon condicyon. Fo.16.
¶ A maner of surrendre made to the baylyffe out of the courte. Fo. eod.
¶ Where the lorde graunteth a copy of his specyall graunte. Fo.eod.
¶ An other maner for terme of yeres where the lorde shall kepe reperacyon. Fo.eod.
¶ An other maner, where a man pretendethe a tytle, and after releaseth in the courte. Fo eod.
¶ A forme where the heyre is admytted to to his lande after the deathe of his father. Fo.20.
¶ An other forme of landes tayled with a remaynder ouer. Fo.eod.
¶ An other maner for terme of lyfe with a remayndre ouer. Fo. eod.
¶ A surrendre oute of the courte, and a remayndre with a condicyon. Fo.21.
¶ A supplicacyon to be exempte from all inquestis and iuryes within the lordshyp. Fo.eod.
¶ The othes of all maner of offycers generally. Fo.22.
¶ The othe of a Denysen Fo. eod.
¶ The othe of a feroure. Fo.eod.
¶ Of those fre tenantes that shewe in the court of the Countie, and who sheweth not, and howe moche falleth to the lorde after the decesse of such tenauntes. Cap.xii. Fo.25.
¶ Howe many customary tenauntes there be, and howe moche euery of them holdeth, & what

werkes and customes they do, and what the werkes and the customes of euery tenaunte is worth by the yere, and howe moche rente euery of them payethe ouer the customes and werkes, and of bondemen. Cap. xiii. Fo. 27.

¶ Of cotiers, what cotages and curtylages they holde, and by what seruyce, and howe moche rent they paye by the yere. Cap. xiiii. Fo. 28.

¶ Of perquesytes or profytes of countyes, of courtes, and of forestes, what they be worthe. Cap xv. Fo. 29.

¶ Of Churches that belongeth to the gyfte of the Lorde howe many there be, and where they be, and what euery Churche is worthe. Cap. xvi. Fo. 30.

¶ What the herriottes be worthe, the feyres, exchetes, customes, seruyces, and forreyne werkes. The plees and perquesytes of the courtes, fynes, reliefes, and all other thynges that maye fall to the lorde by the yere. Cap. xvii. Fo. 31.

Explicit capitula Statuti.

¶ Of dyuers maners of talkynge and doynge of homage and fealtye. Cap. xviii. Fo. 32.

¶ What a surueyour shulde do. Cap. xix. Fo. 34.

¶ Howe a man shulde vyewe, butte, and bounde the maner and the townesshippes. Cap. xx. Fo. 36.

¶ Howe to but and bounde the feldes. Cap. xxi. Fo. 39.

¶ Howe to butte and bounde the medowes. Cap. xxii. Fo. 40.

¶ Howe to butte and bounde pastures. Capitulo. xxiii. Fo. 41.

¶ Howe to amend errable land. Ca. xxiiii. fo. 42.

¶ Howe

¶ Howe a man shall amende his medowes. Capitulo.xxv. Fo.43.
¶ Howe to amende and make better diuers maner of pastures, and syrste of lowe grounde lyke medowe grounde. Cap.xxvi. Fo.43.144.
¶ Howe to amende ley grounde that hathe bene errable lande of late. Cap.xxvii. Fo.44.
¶ Howe to amende bulshy grounde and mossye that hathe bene errable of olde tyme. Cap.xxviii. Fo.50.
¶ Howe to amende bushy grounde that was neuer errable land. Cap.xxix Fo.45.
¶ Howe to amende wode grounde, that lyeth in seuerall pasture. Cap.xxx. Fo.46.
¶ Howe to amende gorsty grounde that hathe bene errable lande. Cap.xxxi. Fo.eod.
¶ Howe to amende gorsty grounde that was neuer errable lande. Cap.xxxii. Fo.eod.
¶ Howe to amende bromy grounde. Capitulo. xxxiii. Fo.47.
¶ Howe to amende heythe grounde. Capitulo. xxxiiii. Fo.eod.
¶ Howe to amende marrys grounde. Capitulo. xxxv. Fo.53.
¶ Howe to amende bromy grounde and stearny. Cap.xxxvi. Fo.48.
¶ Of chylturne grounde, flyntye grounde, and chalke grounde. Cap.xxxvii. Fo.eod.
¶ Of lyme stone grounde. Cap.xxxviii. Fo.eod.
¶ What profites may come or growe to the lord by reason of his waters. Cap.xxxix. Fo.49.
¶ Of dyuers maners of mylnes. Ca.xl. Fo.50.
¶ Howe to make a townesshyppe that is worthe xx.marke a yere, worth.xx.li. Cap.xli. Fo.52.

¶ The Authour.

GO thou lytell quaire, with due reuerence
And with an humble herte, recõmende me
To all those, that of theyr benyuolence
This lytell treatyse, doth rede, heare, or see
Wherwith I praye them, contented to be
And to amende it, in places behouable
Where as I haue fauted, or be culpable

¶ For hardde it is, a man to attayne
To make a thynge perfyte, at the fyrste syghte
But whan it is reed, and well ouer seyne
Fautes maye be founde, that neuer cam to lyghte
Thoughe the maker do his dilygence and myght
Prayinge them to take it, as I haue entended
And to forgyue me, yf that I haue offended.

F

I M I

D

¶ The prologue of the Authour, for the declaracyon of this present treatyse

(,',)

SAlomon sapientie Primo. Omnis sapientia, virtus, honor, dignitas, et queque scientia, a domino DEO sunt. This is to saye: all wysdomme, vertue, honoure, dignytie, and connyng, are of our LORDE God. Than sythe almyghtie God, our Redemer, and Creatoure, by hyghe wysdome, goodnes, lyberalyte, and prouydence, in this transytorye worlde and myserable lyfe: hathe ordeyned dyuers estate, and degrees in his people and creatoures, and some of theym as well hathe endowed with goostely and heuenly wysedome, and dystyncte graces, as with greate honour, possessyons, and ryches, with great gyftes and graces, as well spirytuall as temporall. His hyghe commaundement chargeth euery personne that is partaker of the sayde gyftes or graces charytably and dyscretely, the same to dystrybute and deuyde amonge his poore creatoures. That euery poore person, that is wyllynge to laboure duely for his liuyng, may haue therby conuenient helpe and sustenaunce. And in as muche as the greate Estates, rulers, and gouernours of this Realme, whome our sauiour hath so largely and bounteously rewarded, with all suche giftes, possessyons, and ryches: haue accordynge to his pleasure and commaundemente, demysed, dystrybuted, and graunted to the creatures of god, and

to theyr fermours and tenauntes, theyre seuerall possessyons and inheritaunces, reseruing to them for the same certayne rentes, customes, and seruices, to sustayne and vpholde theyr honours and estates, as to theym appertaynyth, accordynge to theyr hyghe gyftes and graces, wherwith they be so largely endowed. And for the greate zeale, loue, and comforte that I beare to the sayde fermours and tenauntes, and to all other Goddes creatures, that they maye more lyuely, easely, and profytably encrease and sustayne theyr poore housholde wyues, and chyldren, and also, truely to pay their rentes, customes, and seruyces, vnto their lordes, and the honoures of theyre fermes and tenauntrysse, Of late by experyence I contryued, compyled, and made a treatyse for the same poore fermers, and tenauntes, & called it the boke of Husbandrye, the whiche me semed was very necessary for husbandmen, that vse tillage, & for many other of diuers degrees & occupacions. And where, as in the prologue of the sayd boke, I demaunded & asked a question, what was this, wherunto is euery man ordeined as plainly it doth appere, in the prologue of the same? In lyke maner in the prologue of this treatyse, the which I entende by the sufferance & helpe of our lorde Jesu, to contryue, compyle, & make to the profyte of all noble men & women, both spirytuall & temporall. I demaunde an other question, & that is this. Howe, and by what maner do all these greate estates & noble men and women lyue, and maintayn their honour & degree? and in mine opinyon, theyr honour & degree is vpholden & maintayned, by reason of theyr rentes, issues, reuenswes, & profyts that come of their ma

ners

ners, lordshippes, landes & tenementes to them be-
longyng. Than it is necessary to be knowen howe
all these maners, lordeshypps, landes, or tenemen-
tes shulde be extended, surueyed, butted, bounded
and valued in euerye parte, that the sayde estates
shulde not be dysceyued, defrauded, nor dyspery-
red of their possessyons, rentes, customes, & seruy-
ces, ꝑ which they haue to them reserued, for main-
teynaunce of theyre estates and degrees, and that
there be no parcell therof loste nor embeselde, and
than maye the Lorde of the sayde maners, lorde
shyppes, landes, and tenementes, haue perfayte
knowlege where the lande lyeth, what euery par-
cell is worthe, and who is freholders, copy hol-
ders, customarye tenaunte, or tenaunt at his wyll
And what rentes, customes, and seruyce he ought
to haue of them, with many mo artycles, as here-
after shalbe declared. Wherfore it is necessary,
that euery greate estate, bothe menne and women
of worshyppe, that haue great possessyons of lan-
des, and tenementes, shulde haue a Surueyoure,
that can extende, but, and bounde, and value them.
And therefore to make a boke in parchemente, bea-
rynge a certayne date, after the maner and forme
as I shall make an intytulynge, and to amende it
where he semethe conuenyent. Quia facilius est
addere quaz de nouo facere. That is to saye. It is
lyghter to adde, reforme or correcte, than for to
make newe & perfite. And the Surueyour to leue
the saide boke made by him, with his lorde, in ma
ner of a register, whereunto the same Surueyour
or an other officer maye alway haue resorte, whē
nede shal requyre to loke vpō. And ꝑ boke so made,
may be a register & sure euydence ꝑ ꝑ lorde, his fre

holders coppe holders, nor tenauntes, shall neuer lose landes nor rentes, customes, nor seruices, but euery man that redethe the boke, shall perfytely knowe where the landes lye, whose it was at the daye at the makyng of the sayde boke, and whose it is. Than, yf the owner make a true ple, degre, or conueyaunce, by diseēt or by purchase, vnto the sayde landes or lordshyppes. And specially, yf the names of the lordes & tenaūtes that occupy, might be renewed ones in fourtie or thyrtie yeres. For than it wolde be as a perpetuall & suer euydence for euer, to put away all strife and varyaunce bytwene lorde and lorde, lorde and tenaunt, tenaunt and tenaunte, in good quyetnesse and peace. But of one thynge I pronounce and declare, and take god to my recorde, that I make this boke (all onely) to the entente that the lordes, the freholders nor theyr heyres shulde not be dysheryte, nor haue theyr landes lost nor imbeseide, nor encroched by one from an other, and to none other entennte. And for that I aduertyse and exorte on Goddes behalfe, all maner of personnes, as well lordes as other. That whan the lordes or freholders know where theyr landes lye, and what euerye pasture or parcell is worthe by the yere. That the lordes nor the owners therof, do not heyghten their rentes of theyre tenauntes, or to cause theym to paye more rente or a greatter fyne, than they haue bene accustomed to do in tyme past. For as me semethe a greater charyte nor almes dede a man may nat well do, than vpon his owne tenauntes. And also to the contrary, a greatter dyspery nor extorcyon a man can not do, than vpon his owne tenauntes for they dare not saye naye, nor yet complayne, & ther-

therfore on theyr soules go it, that so do, and not on myne. Peraduenture the lorde wyll saye, it is nat his dede, it was his Surueyours, but that can not be so, for sayne Augustine saythe. Qui per alium facit per se ipsum facere videtur. That is to saye, he that commaundeth an other man to do a thynge, he dothe it hym selfe. And there be two principalles in one acte doynge, and also he sayth Consentientes et agentes pari pena puniantur. That is to saye, the consentoures and the doers, shalbe lyke punysshed. At grammer skole I learned a verse and that is this. Dum poteris quid vis, possis cognoscere quid sis. That is to saye whan thou mayst do what thou wylt, thou maist knowe what thou arte. That is to wete, good or yuell. But for a grounde of this treatyse, the whiche I do note, & call it the boke of Surueyinge, and of improuementes, I doo take an olde Statute named Extenta manerii, as a principal grounde therof, as hereafter ensuethe.

Of

Surueyinge.

Of castels and other buyldynges, what the walles, tymbre, stone, leede, sclate, tyle, or other of couerynges is worthe, as well within the walles, as without. And also of gardeins, curtylages douehouses, and all other profytes be worthe by the yere, &c. Capitulo primo.

Inquirendum est de castris, et etiam aliis edificiis fossatis, circumdatis quantum muri et edificia lingna et lapidia, plumbo, et alio modo cooperata valent, et pro quanto appreciari poterunt, secundum verum valorem eorundem murorum et edificiorum. Et quantum edificia extra fossatis appreciari possunt, et quantuz valeant vna cum gardinis, curtilagiis, columbare, et omnibus aliis, exitibus curie per annum.

This is to saye in Englysshe. It is to be enquered of castelles, and also of other buyldynges dyched about, what the walles, the buyldinges, tymbre, stone, leade, and other maner of couerynge is worthe. And howe they maye be solde, after the very value of the same walles and buylding. And howe moche the buyldynge without the dytche maye be solde for, and what they be worthe, with the gardeyns, curtylages, douehouses, and all other issues of the courte by the yere. To the declaracyon and construccyon of this Statute (me semeth there ought to be made a distinccyon) for the statute goth generally. De castris ꝛ aliis edificiis fossatis et circũdatis ꝛ extra fossatis. These wordes go as well to those castels ꝛ other byldynges

that

that be wel vpholden and inhabited, as wel as of those that be fallen in decaye, & not inhabited, and to those that be inhabyted. It is not necessarye to be extended nor valued in any parcell, for let a mā make a castel, towre, or any maner of newe buyldynges & fynysshe it clerely, yf he shulde go take it downe & sel euery thyng by it selfe agayn, he shuld lose the more halfe of his money. And therfore in myne opinyon, this statute was made soone after the barones warre, the whiche ended at the batayle of Euelsham or soone after, in the tyme of kynge Henry the thyrde, where as many noble men of blode were slayne, and many fledde, that afterwarde were attainted for the treason they did to the kynge. And by reason therof, their castelles and maners was sealed in to the kynges handes. And so for wante of reparacyons, the castels and maners fell to ruyne and in dekay. And whan the kynge and his counsaile sawe that, they thought it was better to extende them and make the moste profyte that they coulde of them, than to let them to fall vnto the grounde, and come to no mannes helpe and profyte. Wherfore kyng Edwarde the fyrste ordayned this statute to be made the foureth yere of hys raygne, wherein is contayned many and dyuers Chappters and artycles, the whiche at that tyme was but instructyons, howe & what they shulde do that were comyssyoners or surueyours in the same. Fyrste it is moste necessary and conuenyente to retayle and to sell euery thynge by it selfe, and not all ingrose, some to one man, and some to an other. For that that is good for one man, is not good for an other, & euery thinge to be praysed and solde by it selfe, that is to saye. The

stone wall of one house by it selfe, the tymbre of the same howse by it selfe, the coueryng by it selfe the tyle, sclate, or leede by it selfe, the glasse by it selfe, the yron ware, as barres, bandes, hokes, bol tes, staples, or latches, & all suche other by them selfe doores, wyndowes, bordes and al other thin ges by them selfe, and to go from house to house, and sell euery thynge by it selfe, and then shall the trewe value be best knowen. And it is conuenient that these thynges be offred to be solde to dyuers men, and to see who wyll gyue moost, and specy ally to sell whan men desyre to bye. Also to value what the grasse of the gardeyns, curtylages. cour tes, and house places, that be within the dychesse, or without, be worthe by the yere. A curtylage is a lytle crofte or courte, or place of easment to put in cattell for a tyme, or to laye in woode, coole, or tymber, or suche other thinges necessary for hous holde. And to value the profyte of the douehouse, yf any be there, yf it be replenysshed with doues.

¶ Howe many feldes are of the demeynes, and howe many acres are in euery felde, and what an acre is worth by the yere. &c. Capitulo. secundo.

¶ Item inquirend est, quot campi sunt in domi nico, et quot acre sunt in campo, et quantum va let quelibet acra per se per annum. It is to be in quyred, howe many feldes are of the demeynes, and how many acres are in euery felde, and what euery acre is worth by the yere. This is a lyghte letter and nedethe but lytell declaracyon, for by these wordes, quot campi sunt indominico. It muste nedes be taken of feldes that be in tylage

or

or plowynge, but it wolde be vnderstande, whether the demeyne landes lye in the coomon feldes amonge other mennes landes, or in the feldes by them selfe. And yf they lye in the common feldes, it is conuenyente that they be plowen and sowen and than is not an acre so moche worth, as and it were in seuerallie inclosed, or in seuerall pasture. For and the felde be enclosed aboute, than it is at the Lordes pleasure, whether they shall lye to passture or to tyllage, and thoughe it lye in tyllage, yet hathe the lorde the Edysshe, and after mathe him selfe for his owne catell. And therfore an acre is at the more value, and yf it lye in passture, the passture maye be suche, that it is at double or treble the value of erable lande, wherfore the acres are to be praysed accordynge, and yf they lye by great flattes or furlonges in the comon feldes, it is at the lordes plesure to enclose them, and kepe them in tyllage or passture, so that no nother man haue commyn therin.

¶ Howe many acres of medowe are of demeins and howe moche euery acre is worthe, & to what maner of cattell it is moste necessarye vnto, and howe many beestes it wyll fynde, and what the passture of a beste is worthe by the yere. Chap. iii.

¶ Item inquirendum est, quot acre prati sunt in dominico, et quantum quelibet acra valet ad locandum per se per annum, & ad cuiusmodi bestias et animalia pastura illa fuerit magis necessaria, et quot et quales possit sustinere, et quantum valet pastura cuiuslibet bestie et animalis ad locandum per annum.

It is to be enquered, howe many acres of medow are of the demeyns, and howe moche euerye acre is worth to set by the yere, and to what maner of beestes or cattell it is moste necessarye vnto, and howe many it will fynde, and of what maner, and what the pasture of one beest is worth by the yere And in myne opynyon, it wolde be vnderstonde whether the medowes or pastures lye in commen medowes or commen pasture, at large or in seuerealtye. For and it lye at large in the commen medowes, an acre is no better worth than the grasse that the haye is made of is worthe, for after it is comen and of lytell value. And yf it lye in severalitie, it is worth halfe as moche again as the grasse was worthe. And that hyghe grounde and drye is moste conuenient for shepe, wode grounde, & bushe for beestes, and specially in wynter tyme. Lowe groundes, medowe groundes, and marysshe grondes for hey, and after for fatte cattell, and in wynter for horses and mares, and meane groundes, that is bothe hylly and dalye, as leyse and lowe groundes, is good for all maner of cattell yf the grasse be good and fyne, and specially for fatte cattell or fatte shepe, horse, marcs, and ponge coltes, for that grasse that one maner of cattell will not eate, an other will. And therfore it is good to haue a large close, that dyuers maner of cattell may go to gyther in it, & to knowe what a beastes grasse is worthe by the yere, that is as the pasture is, that he gothe in is worthe, and not ouer charged with cattell, and the fynenesse of the grasse, and the goodnesse of an acre. For some acre of grounde is not worthe a penny by the yere, and some acre is worthe. xl. pence and so a beestes grasse maye be

dere

dere ynoughe twelue pence in the yere, and it may be worthe .xl. ō. or .v. shyllinges, and a horse grasse or a mares grasse, maye be dere ynoughe twelue pence or twenty pence by the yere, and it maye be worthe fyue shyllynges or a noble, accordynge to the goodnes of the pastures. But howe these maners, landes, medowes, and pastures shalbe viewed, butted, bounded, and valued, shall be reherced. after the statute be ones declared.

¶ Of forren pastures that be commen, howe many and of what maner of cattell the Lorde maye haue in the same, and what the pasture of a beest is worthe by the yere. Chap. iiii.

¶ Item inquirend̄ est, de pasturis forinsicis q̄ est cōmunis, quot et quas bestias et animalia, Dñs habere possit in eadē, & quantus valet pastura per annum ad locand̄. It is to be inquered, of forren pastures that is cōmen, howe many and what bestes and catel, and what the lorde may haue in the same, & what the pasture of a beste is worth by the yere to let. This is a derke letter to be well vnderstande without a better declaracion, for where he saith. De pasturis forinsicis, q̄ est cōmunis. That may be vnderstand thre wayes, for there is in many townes, where as theyr closes & pastures lye in seueraltie, there is commenly a cōmen close taken in, oute of the commen or feldes by tenauntes of the same towne, for their oxen or kine, or other castell, in the whiche close euery man is stynted and set to a certaynte, howe many beestes he shal haue in the same, and of what maner of beestes they shalbe. And yf the lorde shall haue any castell therin, he shulde be put to a certaynty, & of what maner of catell, and this pasture may be wel valued.

And

also the Beestys grasse, what it is worthe therin. But than it ought to be shewed, howe many acres be conteyned in the layde pasture, and what euery acre is worthe, one with another. An other maner of commen pasture, is moste commenly in playne champyon countreys, where their catell gothe dayly before the herdemen, and lyeth nyghe adioyninge to their commen tyldes, and it may lye in two or thre places or mo. And in these it is also conuenient, that euery man be stynted to a certentie, other by yerdes, landes, organges, rentes, or suche other customes, as the tenauntes vse and the lorde in lyke maner. These commen pastures maye be extended howe many acres be in euery parcell by it selfe, and what an acre is worthe by it selfe, but it can not be so well knowen, what a beestes grasse is worthe yerely, for they lye most commenly with the falowe feldes, and some falowe feldes be better than some, and so a beastys grasse maye be better or worse. The thyrde maner of cõmen pasture, is in the lordes out wodes that lye commen to his tenauntes, as commen moores, or hethes, the whiche were neuer errable landes. In these maner of commens, me semeth the lorde shulde not be stynted nor set at no certentye, but put his catell, vpon suche maner of commen pasture at his pleasure, bycause all the whole commen is his owne, and his tenauntes haue no certayne parcell therof layde to theyr holdinges, but all onely byrte of mouthe with their catell, and it were agayn reason to abridge a man of his owne ryght. But his tenauntes and euery mannes tenauntes, me semeth ought of ryght to be stynted what euery man ought to haue, goynge vpon all

maner

maner of commens, for elles wolde the ryche men in the begynnynge of Homer bye shepe and other maner of cattell, and eate the commens, and sell them agayne at wynter, or put theym in their pastures that they haue sparcd al the Somer, and so ouerpresse the poore men, that haue no money to bye nor able to reyse.

¶ Of parkes and demeyne wodes, the whiche the lorde maye assarte and to do his profyte, and howe many acres they contayne, and what the vesture of an acre is worthe, and what the grounde is worthe whan the vesture is fallen, &c.

Chapiter.

.v.

¶ Item inquirendum est, de percis et dominicis boscis, que ad voluntatem suas possunt assertare et excolere et quot acre in se continentur. Et quantum vestura cuiuslibet acre possit appreciari, et quantum fundus in se continet et valeat quando prostratus fuerit, et quantum valeat quelibet acra per se per annum. It is to be enquered of parkes and of demeyne woodes, the whiche at the lordes wyll maye be asserted and plucked vp, or fallen downe, and howe many acres are conteyned in theym, and for howe moche the vesture of euery acre maye be solde, and howe moche the grounde in him selfe conteynethe, whan the wode is fallen, and howe moche euery acre is worth by it selfe by the yere. This is to be vnderstande, of parkes and demeyne woodes, that be in seuralte, wherof the lorde at his pleasure, may asserte,

Locke

ſtocke vp by the rootes, or kall by the ſtithe, plowe and ſowe to his mooſte profyte as he wyll. And howe many acres of woode are contayned in the ſame. For in a parke or woode maye be two hundred acres and moze, and yet not paſte an hundred acres therof woode, lytell moze or lytell laſſe, and what the veſture (that is to ſaye) the woode of euery acre is wozth by hym ſelfe, for one acre may be wozthe. xx. ſ. or. xl. ſ. and an other acre dere ynoughe. ii. ſ. vi. ſ. or x. ſ. and howe moche the hole grounde conteyneth whan the woode is fallen. And that is to be vnderſtande, all the grounde within a pale or hedge, as well the lande grounde as of the woode grounde where the woode groweth, and what euery acre is wozthe by the yere, as well of the one maner as of the other.

¶ Of forren woodes where other men haue commen, where the lorde may improue him ſelfe therof, and of howe many acres, and what the veſture of an acre is wozthe, & what the grounde is wozth whan the woode is fallen, and howe many acres they contayn, and what an acre is wozth. Ca. vi.

¶ Item inquirenduz eſt de boſcis forinſicis vbi alii communicant, quid de eiſdez boſcis dominus ſe poſſit approiare, et de quot acris et pro quanto veſtura cuiuſlibet acre communiter poſſit approiari, et quantum fundus valet poſtq̄ proſtratus fuerit boſcus, et quot acre ille continent, et quantum quelibet acra valet per annum. It is to be inquered of forren woodes where they & other commen to gyther, & what of thoſe woodes the Lorde maye improue hym ſelfe, and of howe many acres and for howe moche the veſture, that is to ſaye, the woode of euery acre maye be ſolde, and howe moche

moche the grounde is worthe after the woode be fallen downe, & howe many acres it contaynethe, and what euery acre is worthe by the yere. The declaracyon of this statute is doubtefull, bycause of the none certente therof, what is suffycient cõmen, for it is clerely ordayned by the Statute of Merton, and after confyrmed by the Statute of Westminster.ii. That the lorde shal improue hym selfe of their wastes, whereby is vnderstande of their commen moores, herthes, and waste grounders, as well as of woodes. Thoughe the statute spcke but of woodes onely leuynge their tenauntes suffycient commen, the whiche in myne opinion be thole tenauntes that haue commen appendaunte, and holde their landes of hym. It is necessary to be knowen what is suffycyente of commen, and that me semeth by reason shulde be thus To see howe moche catell the hey and the strawe that an husbonde getteth vpon his owne tenement, wyll fynde suffycyently in winter, if they lye in house, and be kepte therewith all the wynter season, for so moche catell shulde he haue commen in Somer, and that is suffycient. Ye shall vnderstande that there be foure maner of cõmens, that is to wytte, commen appendant, cõmen appurtenaunt, commen in gross, & cõmen per cause de vicynage. i. neyghbourshyp. Cõmen appendant, is where a Lorde of olde tyme hathe graunted to a man a meseplace, & certayn landes, medowes, and pastures with their appurtenaunces to holde of hym. To this meseplace, landes, & medowes belongeth cõmen, & that is called cõmen appendant. But and a man graunt to an other certayne landes or pastures, ỹ which lye in seueralte, enclosed with

with the appurtenance in fee, to holde of the chefe Lordes, to these landes me semethe belongeth no commen without he haue suche specyall wordes in his dede. Commen appurtenaunte, is where a man hathe had commen to a certayne nombre of beestis, or without nombre, belonging to his mese place in the Lordes wastes, this is commen appurtenaunte by prescripcyon, by cause of the vse out of tyme of mynde. Commen ingrose, is where the lorde hathe graunted by his dede, commen of pasture to a straunger, that holdeth no landes of hym, nor ought to haue any cõmen, but by reason of that graunte by dede. Nowe the lorde may not improue hym selfe of any parcell, for it is contrary to his graunte, thoughe there be suffycient of commen. And in lyke case yf the lorde graunt commen to a man by dede, and to limytte hym a certayne nomber of beestis, se what was commen at that tyme, and of that the lorde shall not improue hym selfe, for and he shulde, the goodnesse of the commen to that certayne nombre shulde be abrydged, that they shulde not fare so well, and euery mannes dede shalbe taken strongest agaynste him selfe. And in lyke maner if the lorde graunt a man commen with his cattell, within certaine meyres limittes, and boundes, the lorde shal not improue hym selfe, within those meyres and boundes. Cõmen per cause de vicynage, is where the waste grounde of two Townesshyppes lye to gether, and nother hedge nor pale betwene to kepe theyr cattell a sonder, so that the cattell of one Townesshyppe gothe ouer his meyre or bounde in to the waste grounde of the other towne, and lykewyse the cattell of the other townesshyppe to them. And

also

also yf theyr commen fell es lye to gether vnclo-
sed, in open tyme whan haruest is in, theyr catell
wyll go out of one fylde in to the other fylde, and
this is called commens, bicause of neyghbourshyp
and is not vsed nor lawfull to pynne theyr catell
so goynge, but in good maner to dryue and chase
besyde suche commen. And as for that maner of
cōmens, me semeth the lorde maye proue him selfe
of theyr waste groundes, leauynge theyr owne te-
nauntes suffycient commens, hauinge no regarde
to the tenauntes of the other townershyp. But as
for all errable landes, medowes, leysh, & pastures,
the Lordes maye improue them selfe by course of
the commen lawe, for the statute speketh nothyng
but of waste groundes, and ye shall vnderstande,
that howe be it that a Lorde maye not improue,
hym selfe of his waste groundes, yet maye he law
fully fall and sell all the wode, brome, gorse, fyrs,
braken, ferne, bushes, thornes, and suche other, as
free stone, lyme stone, chalke, turues, clay, sande,
leed, ore, or tynne, to his owne vse, for the tenaun-
tes maye haue nothing by reason of commen, but
all onely bytte of mouth with theyr catell. And ye
shall knowe that swyne and gees haue no cōmen
but by sufferaunce, without specyall wordes in
theyr charter. Also the Lorde shall haue his free
warren, for all maner bestes and fowles of warren
in his waste groundes, as well as in his seuerall
groundes, and as longe as the bestes or fowles
of warren be vpon the lordes grounde, they be the
lordes yf he haue warren, and the lorde may haue
an action of Trespas againste any man, that cha
seth or kylleth any of them in his commen, as wel
as in his seuerall. And if they go or flye out of the

lorde warren, than is the properte changed, and the lorde hathe loste his actyon for takinge of them whan they be oute of his warren, withoute they come in to his warreyne agayne, there is no man hathe warren but by specyall graunte of the kinge by charter, excepte it haue bene vsed tyme oute of mynde, and alowed before Justyce in Eire. And as for the artycles contayned in this present chapiter the letter therof is playne ynoughe, and also touched before,

¶ Whether the lorde maye gyue or sell the residue of his forren woodes, and what suche gyfte or sale is worthe by the yere.

xc. Capitulo.

vii.

¶ Item inquirenduz est, vterum dominus de residuo hoscorum predictorum forinsicorum, dare possit, et quantum valet talis donatio, vel venditio per annum. It is also to be enquered, whether the lorde maye gyue or sell the residue of his forren woodes aforesayde, and what suche gyftes or sale is worth by the yere. This letter is playne ynoughe, and as me semeth no doube but that the lorde maye gyue or sell the residewe of the sayde woodes or wastes, Excepte that a man haue commen of Estouers. But what that gyfte or sale is worthe, is to be vnderstande and knowen, and as me semeth the donee or the bpoure, shall be in lyke cause, as the lorde shulde haue bene yf he had not gyuen it nor solde it. Than the lorde hathe improued him selfe of as moche woodes and wastes as he can lawfully, and whan he hath gyuen or solde the residewe of that, he can not improue hym selfe

selfe of it. In lyke maner the donee nor the byoure can not improue them selfe of any parte thereof, For they can not be in no better case, than he of whome they had it. Howebe it that they that of ryght ought to haue theyr commens be not theyr tenauntes, but theyr tytell and interest grewe by inherytaunce, longe tyme before the gyfte or sale made by the lorde. And it foloweth by reason, that the gyfte or sale of a straunger, shall not hurte an other mannes inherytaunce. But this donee, or this purchasoure, shall take to theyr profyte all the vesture standynge vpon, or beynge within the sayde grounde, as woodes and suche other, as is sayde before in the nexte chappyter.

¶ Of panage and herbage of the Towne, and of all other profytes of pooles, meyres, and rynninge waters, of moores, heythes, and wastes, what they be worth by the yere. &c. Capit. viii.

¶ Item inquirendum est de panagio & herbagio ville, et omnibus aliis exitibus viuariorum morarum bruerum et vastorum quantum valent per annum.

¶ Also it is to be inquered, of panage, and herbage of the same towne, and of all other profytes of pooles, meyres, and rynnynge waters, of mores, hethe, and wastes, what they be worthe by the yere. And where this Statute spekethe, de pannagio, that is to be vnderstande, whan there is any maste growinge in the lordes woodes, wherby mennes swyne maye be fedde, and releued,

what profyte that maye be to the lorde. For there is no manne that can clayme of ryght to haue the maste, the whiche is a fruyte, but the lorde, except his free tenante haue it by specyall wordes in his dede. Quod sit quietus de panagio. And the lorde shall haue it in his forren oute wodis, as well as in his parkes or seuerall wodes, and as the quantytie of the maste is, so the lordes bayly ought to laye mennes swyne therunto from Mighelmas to Martymas, and to make a trewe accompte thereof at the Lordes audyte, what he taketh for euery swyne. And in many places the tenauntes go fro panage in the forren wodes by custome, & that is most comenly where as the tenantes paye tacheswyne by custome, yf he haue to a certayne nomber, or elles to paye yerely at Mygheimas. i. d. or an halfepeny for euery swyne, as the custome is vsed. The statute speketh. De herbagio ville. This is to be vnderstande of the comen pasture that belongeth to the towne, where vpon the herdeman kepethe the tenauntes catell. It maye be so good, that the tenauntes nede not to haue any seuerall pasture, but that theyr comen pasture shulde be able to fynde all theyre catell, bothe horses, mares, beestes and shepe, and so it was of olde tyme that all the landes, medowes and pastures, laye open and vnclosed. And than was theyre tenementes moche better chepe than they be nowe, for the most part of the lordes haue closed theyre demeyne landes and medowes, and kepe them in seueraltye, so that theyr tenauntes haue no commen with them therin. And also the lordes haue enclosed a great parte of theyr waste grounde and streytened theyr tenauntes of theyr

commens

commens therein, and also haue gyuen lycence to diuers of theyr tenauntes to enclose parte of their errable landes, & to take in newe intackes, or closes oute of the commens, payenge to theyr lordes more rente therfore, so that the commen pastures waxen lasse, and the rentes of the tenauntes waxen more and more. And that is, bycause the tenauntes waxen more polytike in wysdome to improue theyr tenementes, holdynges, and fermes, and at the ende of the terme, an other man that made no coste of the saide improuementes, offereth the lord certayne money for a fyne to haue it, or to heyghten the rente of the same, so that he that made the coste or his chyldre, shall not haue the sayde ferme without he wyll giue almoche or more as is offered to the Lorde, and so thorowe the enuye of his neyghboure and the couetousnes of the lorde and his offycers, the poore tenaunt hathe a great losse or elles vtterly vndone, God amende it. And the lordes haue a greter losse than they wene, for their tenauntes see howe theyr neyghebours that haue buylded theyr houses, improued theyr landes and be put oute, excepte he make a fyne, or paye more rente, causethe them nother to buylde nor otherwyse to improue theyre holdynges, to the Lordes great losse at length. And where the statute sayth, De omnibus aliis exitibus viuariorum morarum bruerum & vastorum. And of all profytes that shal come of the lordes standynge waters, mores, heth and wastes. Viuarium is a pole or a meyre that fysshe encreasethe and lyueth in. Some rynninge waters be as free and seuerall to the Lordes, as their pooles, meyres, of standinge waters. And as they be stored with fysshe, so dothe the profyt ryse

to the Lordes, whether they go by waye of improuemente or set to ferme, wherof the baylyffe shall make accompte. Woodes, hethes, and waistes, go in lyke maner as the herbage of the townes. for the lordes tenantes haue commen in all suche out grounde with theyr catell, but they shall haue no woode, thornes, turues, gorse, ferne, and suche other, but by custome, or elles speyall wordes in his chartoure.

¶ Of mylnes, seuerall fyschynge, and commen fyschynge, what they be worthe in the yere. Capitulo. ix.

¶ Item de molendinis, piscariis, seperalibus, et communibus quantum valent.

¶ Also of mylnes, seuerall fyschynges, and commen fyschynges, what they be worthe. In this shorte artycle many thynges are to be remembred for where he sayth. De molendinis, the whiche is in the pluriell nombre, it is to be vnderstande, that there be many maner of mylnes, as corne mylnes, wyndemylnes, horse mylnes, and quernes that go with hande. Fullyng mylnes, sythe mylnes, cutler mylnes, smyth mylnes, and all other as the whele gothe by dryfte of water, to blowe the bales or to dray any water lyke a pōpe, as there be in Cornewall and dyuers other places. Thoughe they be no mylnes properly to grinde corne, yet it is a pryfyte to the lorde, the which a Surueiour may not forget to put in his boke, and to but and bounde them as they lie, & who be the fermours, and what rentes they paye. And to the corne mylnes to the moste parte of them belongeth. Socone, that is to say customs of ȳ tenantes to grynde theyr corne at

the lordes myne, & that is as me semeth, all suche corne as groweth vpon the Lordes grounde, that he spendeth in his house. But & he bye his corne in the market or other places, he is than at lyberte to grynde where he maye be beste serued, that maner of grynding is called loue Socone, and the lordes tenantes be called bonde socon. And if they grynde not theyr corne at the lordes myne, ỹ lorde maye amerce them in his court, or els he may sue them at the commen lawe. De secta molendini facienda. But whan he shall make his declaracyon in the debet, and whan in the solet, I rempte that to men of lawe, that haue experience therof. It is also to be knowen howe the tolle shulde be taken, but there be so many dyuers grauntes made by the lorde, some men to be grounden to the twentie parte, and some to the. xiiii. parte, tenaunt at wyl to the. xvi. parte, and bondemen to the. xii. parte, some men to tolle fre, and some to hopper fre, that is to wyte, that his corne shalbe put into the hopper and grounde nexte to the corne that is in the hopper at the tyme of his commynge. And in some place to take the tolle after the strength of the water, that foloweth by reason, for that mylne that hathe a byg water, and may dryue a greate brode stone, the whiche wyll make moche more meyle, than that mylne that gothe with a lytell stone, he is moche better worthy to haue the more tol, and yet shall the owner of the corne haue the more pleasure. And so there be so many diuersytes of taking of tolle, that I wyll not take vpon me to tell how but also to rempt it to men of lawe to shewe the diuersytyes. But doubte ye not, the mylners wyll be no losers, & of mylnes there shall more be

spoken of in the Chappter of waters amonge the improuementes. De piscariis seperalibus, that is to be vnderstande, in the lordes standinge waters as pooles, meyres, and also rynnyng waters that be seuerall, as be very many in dyuers countreys set to ferme frome one place of the ryuer to an other for certayne rente, and yf any man fysshe in the lordes pooles or meyres, the Lorde maye haue his actyon vpon the statute. Westminster primer And yf he fysshe in the rynnynge and seuerall waters, the lorde maye haue his actyon at the cōmen lawe, and in lykewyse the lordes tenaunte, yf any man fysshe in his ferme holde be it standyng waters or rynninge waters. And where he sayth, De omnibus, of commen fysshynges, that is lytel profyte to the Lorde but to his tenauntes, excepte he dwell nyghe the see, and wyll cause his seruaunte to fysshe there for hym, for that is the beste cōmen water that any man can fysshe in. And some rynnyng waters be commen, as lytell brokes and dyches, and in some rynnyng waters, the Lordes tenauntes haue lybertye by custome to fysshe with shouenettes, trodenettes, small pytchesse, and suche other.

¶ Of free tenauntes, the whiche dwell withoute as well as within. &c.

Capitulo. x.

¶ Item inquirendum est, de libere tenentibus quibusq; forinsecis et extrinsecis.

Also it is to be enquered of freholders, the which dwell without as well as within. By this letter it is to be vnderstande, that a free holder maye dwell out of the preciucte of the lordes maner, and tye holde his lande of the sayde maner. For one

manere

manere may stretche into dyuers shyres, as the honer of Tutebury, Walyngforde, Pountefrette, Tyckell, & suche other. And in that case the lorde of the honoure or maner, maye take a dystresse for his rentes, homages, reliefes, customes, and seruyces, & to bryng the same distresse out of that shyre where it was taken, into that shyre where the maner is, of whome these sayde landes be holden. And yf the tenaunte wyll sewe Repleuy, the shyreffe where the catell is, shall make and serue the repleuy, and not the shyreffe where the goodes or the catell was taken, nor retourne of his repleuy. Quod auerta elongata sunt. And the Lorde maye haue a free holder that holdeth his lande of hym, and payeth hym cheefe rentes and other seruyce, & not by the reson of any maner. And thus yf a man purches a parcell of lande before the makynge of the statute. Quia emtores terrarum, and gyue the same landes agayne to a straunger before the makynge of the sayde statute, to holde of hym by certayne rente and seruyce, this maye be called a forren free holder, for it is no parcell of any maner, and it is no maner it selfe. For to euery maner belongeth two thynges, that is to saye parcell in demeyne, and parcell in seruyce. That is landes in demeyne belongyng to the maner and seruyce, customes, or rentes, and this free holder I spake of before hathe demeyne, but he hath no seruyce. Also a man maye haue bothe rente and seruyce of a free holder, and yet he holdethe not his landes of hym that he payeth his cheefe rente vnto. As and a man purchase landes syth the making of the saide statute, and gyue it to a straunger, reseruynge fealtye and certayne rente, this free holder holdethe

his landes of the chefe Lorde nexte aboue, and yet shall he paye his rentes and seruyces reserued to hym that gaue it to hym, and yf the gyfte were in the tayle and no remaynder in fee ouer, nowe the reuercyon resteth styll in the donor. I coulde speke more of the gyftes and remaynders, but I tempt them to men of lawe that be learned, for it is not the mater that I entende to speake of. Howe be it it is very necessary for euery Surueyour to haue in syght and experience of the commen lawe, ozels at some season he shall dysceyue his Lorde, or his tenaunte, and specially his owne soule, for sayntе Isodorus sayethe Quod ignorantia crassa vel affectata non excusat peccatum. That is to saye, ignorance of connyng or of the facultie in hym that taketh vpon hym, as a mayster or techer of the scyence or conning, excuseth not a mannes offence for euery man that god hathe sende wyt and reason vnto, is bounden to know whether he do wel or yuell. And therfore it is necessarye, that euery man learne and do his dylygence to knowe, what he ought to do, or he take vpon hym, any suche office or rowme.

¶ Who be free tenauntes, and what landes and tenementes, and what fees they holde, & by what seruyce, whether by socage or by knyghtes seruice or other, and what rent of Assyse they gyue by the yere, and who holde the by charter, and who by auncyente demeyne, and who by newe feoffemente. Cap. xi.

¶ Item inquirendum est, qui sunt liberi tenentes, et quę et quas terras et tenementa, et que feoda teneant, et per quod seruicium, vtrum per socagium, vel per seruicium militare, vel alio modo

do, et quantum reddant per annum de redditu assise, et qui tenent per cartam, et qui non, et qui per antiquam tenuram, et qui per nouum feoffamentum. Also it is to be enquered, who be free tenauntes, and what maner landes and tenementes, and what fees they holde, and by what seruyce, and whether it be by soccage or knyghtes seruyce, or of any other manere, and what they yelde by the yere of rente of Assyse, and who holdeth by charter, and who not, and who by the olde tenure, and who by the newe feoffement. It appereth by this artycle, that there be many maner of free holders, and holde theyr landes and tenementes in dyuers maner, and by many maner of rentes, customes, and seruyces, as tenauntes in fee symple, tenauntes in tayle, tenauntes by coppe of courte rolle, tenauntes by the curtesy, tenauntes in dower, and tenantes for terme of lyfe by speryal graunte, and many other. And all these tenauntes maye holde their landes by diuers tenures, customes and seruyces, as by homage, fealtye, escuage, soccage, knyghtes seruyce, graunt sergentie, petite sergentie, franke almoyne, homage auncestrell, burgage tenures, and tenure in vyllenage. But to declare the diuersyte of all ỳ tenures, it wolde be to longe a processe, & therfore I remyt it to the fyrste boke of the commen lawe, called the tenures. But the diuersytie of these tenures, what rentes, fees, customes, & seruyces, the lorde ought to haue of his tenantes, can not be knowē but by the lordes euydence, court rols, rentayles, & suche other prelydētes, & specially by the ozygynall dedes of their tenantes. And ye shal knowe, ỳ the lordes maye not distrayne theyr tenauntes, nor cease their landes

into

in to theyr handes, to cause theyre tenauntes to shewe theyr euydence, wherby they holde their landes. But and the lorde haue any euidence, rentayles, or courte rolles, of any maner of rentes, customes, or serupces, that he hathe not and can proue a possessyon of the same in his auncestres, syth the lymitacyon expressed in the statute of Westmynster secondе in the secondе chapiter, than he maye lawfully dystrayne for the same. And than muste the tenaunt shewe a dyscharge by sufficient wrytynge, and not by wordes, or els to paye the same, for mater in writyng, maye not be dyscharged by a nudе parell. s. bare wordes. The statue speketh Qui tenent per cartam, et qui non. The tenauntes in fee symple, and the tenauntes in tayle, that haue euydence and dedes made and sealed, and possessyon delyuered of theyr lordes or by their attorney, fromе one to an other, they holde theyre landes by charter, be it newe made or olde. And also there be tenauntes in fee symple, and tenantes in tayle, that holde by no charter, and those be tenauntes by copy of courte rolle. Also as a Lorde haue a manere, and within the sayde maner there is a custome, ꝑ hath ben vsed tyme out of mynde, that certayne tenauntes within the sayde manere haue vsed to haue theyre landes and tenementes, to holde to them and to theyr heyres in fee symple fee tayle, or for terme of lyfe, at the wyll of the lorde after the custome of the manere. And suche a tenaunte maye not gyue nor sell his lande by dede for and he do, the Lorde maye enre as in landes forfayte to hym. For yf suche a tenaunt wyll gyue or sell suche maner of landes to an other, he muste surrender the same landes in the lordes courte, in

to the

to the Lordes handes, vnto the vse of hym that shulde haue it, or in fee symple, fee tayle, or for terme of lyfe. And he that shall haue the lande, muste come in to the courte and take it of the lord as here after folowethe.

¶ Ad hanc curiam venit J B. et sursum reddidit in eadem curia vnum messwagium. &c. in manus domini ad vsum A D. & heredum suorum vel heredū de corpore suo existentium, vel pro termino vite sue. Et super hoc venit predictus A D. et cepit de domino in eadem curia predictum messwagium. &c. habendū et tenendum sibi et heredū suis, vel sibi et heredibus de corpore suo existentibus, vel sibi ad terminum vite sue ad voluntatem domini secundum consuetudinem manerii, faciendo et reddendo inde reddit seruicia et consuetudines inde prius debita et consueta, et dat domino de fine. &c. et fecit domino fidelitatem, et admissus est inde tenens. And these maner of tenauntes shall not plede nor be impleded of theyr tenementes by the kynges writte, but and they wyll implede eche other for theyr tenauntes, they shall haue theyre pleynte made in the lordes court, after this forme or effecte.

¶ J. de. B. queritur versus C. de. D. de placito terre vez de vno messwagio, decem acris terre, tribus acris prati. &c. cum pertinentiis. And shall make protestacyon to sue his playnt in the nature of the kynges writte, of Forindowne in descendre at the commen lawe, or of the kynges writ of Assyse of nouell dysseison, or of Assyse of mortauncestor, or of any other writte at the commen lawe. Plegii de prosequendo. E. F. et G H. but howe the declaracion, the answere, replicacyon, and reioyn-

dre

dre shulde be made, and also an acteon of Dette, detinue, couenaunte, trespas, and suche other, I remitte that to men of lawe, that haue experyence therof. But one thynge wote I well, that many an erronyouse processe the Stewardes make in theyr courte rolles, wherfore men of honoure and of worshyppe, and Abbottes pryours, and suche other shulde make men of lawe their stewardes, & to cause them to exercyse the offyce him selfe, with his clerke suffycyently instructed by his mayster, that there maye be due proues withoute fauoure bryberye, or extorcyon, on payne of forfayture of his offyce. But it is a commen vse in some countreys, that lordes, knyghtes, squyers, and gentylmen, that knowe but lytell of the lawe, be made Stewardes, and they come to the courte or sende theyr clerkes, that can as lytel lawe as theyr mayster or lasse, but that he vnderstandeth a lytell lasten. And yf there be a fyne to make for a tenement house, or close that is to be set, the stewarde shall haue a rewarde for his good wyll, that he maye haue it before an other man, and the clerke muste haue an other rewarde for to entreate his mayster to the same, so that the lordes fyne muste nedes be the lasse, or elles the poore man shalbe at a greate charge, wherof speketh Salomon, prouerbiorum. xvii. Melius est parum cum iustitia, quã multi fructus cum iniquitate. It is better to haue a lytell ryghtwyselp, then to haue moche profyte wickedly. But nowe to my mater that I spake of before, there maye be in one maner or lordeshyppe both charter lande and copy lande, & eche of them well knowen from other, & one man maye haue & holde them bothe. Also there be other tenantes by

copye

coppe of courte rolle, and are called tenauntes per le verge. s. by the yerde. And they be called so, bycaule whan they wolde surrender theyr tenementes in to the lordes handes to the vse of an other, they shall haue a lytel yerde in theyr hande by custome of the court, and that they shall delyuer vnto the stewarde, if he be there present, or to the baylyf or reue, or to other two honest men of the lordshyppe. And at the nexte courte he that shall haue the sayde landes shall take it in the court, and his taking shalbe entred in the rolle, and the stewarde or baylyffe, as the customes is vsed, shall delyuer to hym that shall haue the lande, the same yerde, or an other in the name of season, and hathe none other euidence but the copy of the courte role, and it maye be made in fee symple, or fee tayle, or for terme of lyfe. And all maner of customes that be not agaynst reason maye be admytted and allowed for a custome. And howe be it that these maner of copy holders haue an estate of inherytaunce, after the custome of the manere, yet haue they no franke tenemente, bycause of the commen lawe, and therfore they be called tenauntes of base nature. Me semeth it were necessary and conuenient to shewe dyuers diuersytes howe coppes shulde be made, for feare leste euery man that taketh vpon hym to kepe a courte, hath not perfytly the experience therof as here after ensueth

¶ Fyrste of surrendres of landes holden by the yerde.

¶ He shall take a yerde in his hande by the ende and delyuer the Stewarde the other ende in his hande, and saye to the Stewarde. Here I. S. B.

do yelde vp or surrendre my landes called D. the whiche I holde of this lordeshyppe at the Lordes wyll, after the custome of this manere, to the behoue of Johan Browne and his heyres.

¶ Howe the Stewarde shall delyuer seasou.

¶ The Stewarde shall delyuer hym an ende of the yarde in his hande that shall haue this lande, and he shall saye thus to hym. My lorde graunteth you seasou of this lande that was .I. B. the whiche ye take here in the courte to you & to youe heyres, to holde at my Lordes wyll, after the custome of this manere, & than he shall be swore.&c.

¶ The manor of the othe of the tenaunte.

¶ I shall beare faythe and trouthe to my Lorde of this manere, as for the landes and tenementes that I haue taken of hym, and truely do and pay the rentes, customes, rentes, and seruyces that longethe therto, as for the terme that I shall occupy it. So helpe me god.&c. and kysse the boke, and ley downe. i. d. as the custome is.

¶ Howe the copy shulde be made of landes holden by the yarde.

¶ Ad hanc curiam dominus concessit extra manus suas per. I F. capitalem Senescallum suum ¶ D. et M. vxori eius vnum messwagium et sex acras terre cum pertinentiis iacent apud B. quibus dominus per senescallum suum concessit seisinam

sinam habendum sibi et heredibus suis de domi-
no per virgam ad voluntatem domini secundum
consuetudinem manerii, et dant Domino de fine
pro ingressu inde habendum, prout patet in capi-
te, et fecit domino fidelitatem, et admissus est in-
de tenens.

¶ An other forme for certayne rente, for
all maner of seruyce,

¶ Ad hanc curiam Dominus concessit per J. F.
Senescal um suum T. B. et M. vxori sui vnum
melwagium sex acras terri. ii. acras prati, et v-
nam acram bosci cum pertinentiis prefatis T. et
M. heredibus, et assignatis suis ad voluntatem
domini secundum consuetudinem manerii, redd
inde annuatim domino, et heredibus suis, vel suc
cessoribus suis, si dominus sit religiosus. v. s. vi.
d. pro omnibus et singulis seruicius ad suos anni
terminos videlicet. &c. equis portionibus, et dant
domino de fine. &c. et fecit fidelitatem.

The commen course is not to put in certayntie
all theyr rentes, customes, and seruyces, in theyr
coppes, and that is in auncyente demeyne, and in
all places where theyr tenauntes haue theyr lan-
des by coppe to theym and theyr heyres, after the
custõe of the manere, for there they haue or ought
to haue a customarye role, wherin is euery mans
lande contayned, and what rente, customes, and
seruyces euery man ought to paye and do, and in
many places, theyr lawes and theyr customes be
put in wrytynge, and remayne in theyr owne kee-
pynge to put them in a redyneſſe, whan nede shall
requyre, but and there shall be made any newe in-
crochementes, or intaches, inclosed or takē in out
of the commens, or any myne newe found, as leed

or tyn, cole, yron, stone, or suche other, yf a copye shall be made therof, it is necessary and conuenyent the rent therof to be put in the copy, for it is a newe thynge that hath not gone by custome, and also it wolde be put in the customary role, for this newe approuemente maye fortune to encrease of rente or decrease in rente, and therfore the rentes muste alway be expressed. Also where a man hath a lordshyp, wherin be many tenauntes that holde theyr landes of theyr lorde by copy of courte role, for terme of yeres, or for terme of lyfe, where they haue state of inherytaunce. In all suche copyes, it is conuenyente that the rentes be expressed in the same copyes, causa patet.

¶ A recognicyon of a tenaunte what he holdethe of the lorde.

¶ Ad hanc curiam venit R. T. coram S. E. senescallo huius manerii, & cognouit se tenere de domino vnum messuagium, decem acras terre, tres acras prati cum pertinentiis in L. vocat. C. libere per cartam in socagio per redditu. xii. d. vel vnaz libram piperis, et sectam cur bis per annum. Et etiam dictis R. T. cognouit se tenere de Domino alium messuagium cum crofto adiacente, & sex acras terre, et duas acras prati cum pertinentiis ad voluntatem domini secundum consuetudinez manerii, et per redd duorum solidorum, et fecit fidelitatem, et admissus est tenens.

¶ The forme of a copy in auncyent demeyne, where the proclamacyon shulde be had.

Ad hanc curiam tentam ibidem tali die et anno. &c. venit A. B. filius et heres J. B. et sursum reddit in manus dñi vnum messuagium. x. acras terr

tres

tres acr̄ prati cum vno crofto in D. infra iurisdictionem huius curie ad opus E. F. hered̄ et assign̄ suorum imperpetuum virtute barganie inter eos fact̄. Et super hoc publica proclamatio in eadem curia fact̄ fuit, ꝙ si quis aliquod ius seu titulum ad eadem messuagium terr̄ prat̄ et croft̄, vel in aliqua eorum parcella pretendere voluit, vel haberet, veniret et audiretur, et nullus venit ad hanc curiam, per quod secundum consuetudinem manerii, messu. predict̄ terras prata et croft̄ predict̄ remanerent in manus domini vsq; ad tertiaz proclamac̄ super eosdem fact̄, et super hoc dies dat̄ est partibus predict̄ essendi ad proximam cur̄ manerii predicti, ad audiendum inde iud̄ suum super premissis, et ad hanc curiam tent̄ ibidem tali die ꝛc. tam predictus A. B. q̄ predict̄ E. F. venire, et super hoc secūda proclamatio fact̄ fuit super premissis, ꝙ si aliquis aliquod ius, vel titulum ad predict̄ messu. terr̄ prata. ꝛc. haberet aut pretenderet, veniret et audiret̄. Et nullus venit et super hoc dies dat̄ est partibus predictis essendi ad proximā cur̄ manerii predicti ad audiendum inde iudiciuz suum. Et ad hanc cur̄ tent̄ ibidem tali die. ꝛc. tam predict̄ A. B. quam predictus E. F. venet̄, et super hoc tertia proclamatio facta fuit super premissis, quod si aliquis aliquod ius, vel tituluz ad predict̄ messu, terr̄ prat̄ et croft̄, vel in aliqua eorum parcella haberet, vel pretenderet, veniret, et audiret̄, et nullus adhuc venit. Et super hoc Dominus per J. G. Senescallum suum concessit seisinam de predicto messuagio, terris, pratis, et croftis, cum eorum pertinenciis, prefato E. F. tenendum sibi heredibus, et assignatis suis secundum consuetudinem manerii predicti, et dat Domino

de fine ad ingressus. &c. et admissus est inde tenens et fecit fidelitatem.

¶ The forme of a copy in auncyent demeyn where the wyfe shalbe examyned.

Dale.

¶ Ad curiam tentam ibidem tali die anno. &c. T.B. de N. et M. vxor eius hic in plena curia sol' examinat' & confess sursum reddiderunt in manus domini vnum melwagium et dominiam bouatas terram, ac vnam quatronam terre cum suis pertinentiis in N. predicta voc' D. ad opus W.L. de D. vnde accidit domino vnum equum de heriotto, et super hoc venit dictus W.L. et cepit de domino dict' melwag. &c. cum suis pertinentiis habendum et tenendum sibi et Anne vxori sue et heredibus et assignatis ipsius W. imperpetuum secundum consuetudinem manerii, per reddendum, consuetudinem, et seruicium inde prius debit' et consuet', et dant domino de fine pro ingressu habendum dict' mess. et ceteris premissis. &c. et data eis seisinam, et fecerunt fideliter.

¶ An other forme for terme of lyfe.

¶ Ad hanc curiam. &c. venit J.D. et J. vxor eius ipsa sola examinata coram Seneschallo, et sursum reddiderunt in manus domini vnum tenementus cum pertinentiis in A tac' inter tenementum J.B ex parte orient' & tenementum L.D. ex parte occident', et abbuttat super altam viam ex parte australi et super gardinum E.F. ex parte boriali ad opus G.H. et J. vxoris eius ad terminum vite eorum et alterius eorum diutius viuentis secundum

dum consuetudinem manerii, et dant domino de fine.ꝛc.et fecerunt fidelitatem.

¶ In other forme vpon condicyon.

¶ Ad hanc curiam.ꝛc. venit J C.et surſum reddidit in manus domini vnum cotagium iacent. ꝛc. ad opus J. D. ꝛc. tenendum ſibi et hered̄ ſuis de domino ad voluntatem Domini ſecundum.ꝛc. ſub conditionibus ſubſequentibus, videlicet ſi predict J.D ſoluat aut ſolui faciat predat J. C. xl.s.ad feſt̄ vidz.ꝛc. proximo futuro poſt data huius curie, ꝙ tunc preſens ſurſum reddit ſit in ſuo robore et effectu,et ſi ipſe defecerit in ſolutione ſolutionum predict in parte vel in toto, qd̄ ex tunc bene licebit predat J. C.et aſſignatis ſuis reintare et reh. bere predictum cotagium, ita ſurſum reddit non obſtante in aliquo, et dat domino de fine ꝛc.et fecit fidelitatem.ꝛc.et admiſſus eſt. ꝛc.

¶ In other maner of ſurrendre made to the Baylyffe oute of the Courte.

¶ Ad hanc curiam.ꝛc. compertum eſt qd̄ T.C. extra curiam ſurſum reddidit in manus J.D.bal liui in preſentia D. R. et aliorum tenentium domini huius manerii, hoc teſtante vnam acraꝫ terre in G. quondam W.B. ad opus E.ꝫ. cui dominus inde conceſſit ſeiſinam tenendum ſibi et heredibus.ꝛc.de ſeruic̄.ꝛc.et dat.ꝛc.

¶ In other forme, where the lorde graunteth a coppe of his ſpeyall graunte.

¶ Ad curiam apud D. tent ibidem tali die ꝛ an. ꝛc. preceptum fuit balliuo seisir in manu domini, vnum tenementum siue messuagium cum pertiñ. J. B. voc E. eo q ipse alienauerit, et vendidit dictum tenementum cuidam J. T. sine licentia domini, et inde respondebit domino de exitibus quousq. ꝛc. et qd in ista eadem curia dominus ex sua gratia speciali concessit dictum tenementum cum pertinentiis prefato J. B. cui dominus inde concessit seisinam habendum sibi et heredibus. ꝛc. de domino ad voluntatē scdm. ꝛc. et dat. ꝛc. ꝛ fecit. ꝛc.

¶ An other maner for terme of yeres, where the lorde shall kepe reparacyon.

¶ Ad hanc curiam dominus per J. F. senescallum suum concessit J. E. vnum messuagium cum domibus superastantibus et aduersas terras prata pascuas et pasturas cum sepibus fossat, ꝛ omnibus aliis suis pertiñ voc A. habend et tenendū sibi et assigñ suis a festo sancti Michaelis archangeli proximo futuro post dat huius cur vsq ad finem et terminum quadraginta annorum, ex tunc proximo sequentium et plenarie complendorum, redd inde annuatim xx. s ad duos anni terminos videlicet. ꝛc. per equales portioñ. Prouiso semper qd durante termino predicto predict dominus inueniet ineremium totiens quotiens necessariuz fuerit dicto tenemento ad emendandum reperanduz et sustinendum et dat domino de fine. ꝛc. et secit fidelitatem. ꝛc.

¶ An other maner, where a man pretendeth a tytle, and after releseth in the courte.

¶ Ad hanc cur tent. ꝛc. compert est, qd cum dñs per J. F. senescallū suum, ad cur tent apd C tali die et an. ꝛc, concessit extra manus dñi A B. et her

suis

suis vnam peciam terre continentem circa tres acras terre siue plus siue minus habeat quondam C. in A. iacentem inter terr̃ P Q. ex parte australi et terram R S. &c. habendum. &c. ad voluntatem domini secundum. &c. et postea venit quedam Alicia Bate coram prefato J F. senescallo domini et pretendit habere titulum in predict̃ pecia terre, et hinc presens in curia remisit et relaxauit et imperpetuum quietum clamauit prefato A. B. et heredi suis per licentiam domini totum ius suum et clameum, que habet, vel habuit, vel in futuro habere poterit in predicta pecia terre, et in qualibet inde parcella. Ita vidz q ipsa Alicia nec heredi sui, nec aliquis alius nomine eorum aliquod ius, vel clameum in predicta pecia terr̃ de cetero exigere, vel vendicare poterit, sed ab actione iuris vel clamei sint exclusi per presentes, et dat domino. &c. et fecit. &c.

¶ In other forme, where the heyre is admytted to his lande, after the death of his father.

¶ Ad hanc curiam tent̃. &c. compertum est quod J. B. obiit seisitus post vltimam curiam, qui de domino tenuit sibi & heredibus suis vnam peciam terre vocat̃ C. et inde obiit seisitus, et dicunt R B. filius eius est proximus heres, et plene etatis, vel infra etatem vidz. xii. annorum et in custodia, E M. vel S B. frater eius, vel consanguineus eius est proximus heres eiusdem J B. et plene etatis, et presens hic in curia petit admitti, et admissus est inde tenens, tenendum sibi et heredibus suis de domino ad voluntatem Domini secundum consuetudinem. &c. et dat. &c. et fecit. &c.

¶ In other forme of landes tayled with a remaynder ouer.

¶ Ad hanc curiam compertum est, quod R. B. de A. ad curiam tentam apud E. tali die et anno. ꝛc. sursum reddidit in manus domini vnum tenementum et tres acras terre voc̄ C. ad opus R. C. filii eiusdem R. et A. vxor̄ eius quibus dominus concessit seisinam, Tenendum sibi et heredibus de corporibus eorum legittime procreat̄. Et si predictus R. et A. vxor eius sine hered̄ de corporibus eorum legittime procreat̄ obierint, quod tunc predicta terra et tenementa cum suis pertinentiis remaneant rect̄ her̄ ipsius R. B. Et modo curia ista informaretur per totum homagium, quod predictus R. et A. obierunt sine herede inter eos procreat̄ et predictus R. B. similit̄, et super hoc venit J. B. frater et heres predicti R. B. et petit admitti, et admissus est tenens. ꝛc. et per licentiam domini prefatus J. B. concessit predictum tenementum et terras, que ei remaneant post mortem predictorum R. B. et R. C. et A. vxori eius, remaneret. M. C. et heredibus suis, cui dominus inde concessit seisinam tenendum ad voluntatem domini secundum. ꝛc. et dat. ꝛc. et fecit. ꝛc.

¶ An other maner for terme of lyfe, with dyuers remaynders ouer.

¶ Ad hanc curiam venit R. B. et sursum reddit in manibus domini vnum meswagium, et octo acras terre customar̄ voc̄ A. vt dominus faciet inde voluntatem suam, et Dominus inde habetur seisinam. Et ex gratia sua speciali reconcessit predictum meswagium et terr̄ prefato R. B. et J. vxori eius durante vita eorum, ita quod post eorum decessum dictum tenementum et terra remaneant

B. vx-

B. vxori J. durante vita sua, et post decessum ipsius B. predict terre et tenementa remaneant rectis heredibus ipsius R.B. imperpetuum tenend eisdem R.B. et J. vxori eius durante tota vita eorum per virgam ad voluntatem domini secund &c. in forma predicta, saluo iur cuiuslibet. &c. et predicti R. et J. dant domino de fine. &c. et fecerunt fidelitatem. &c.

Surrendre out of the Courte, and a remaynder with a condicyon.

Ad hanc curiam compertum est, quod R.F. languens in extremis surcum reddit in manibus B.R. extra curiam per manus J.H. in presentia J.C. et B.D. tenent huius manerii hoc testante vnum messuagium cum pertinentiis. &c. ad opus J. vxor predict R F. tenendum sibi per seruicium inde debitam secundum consuetudinem manerii, pro termino vite sue, ita quod post mortem dicte J. predictum messuagium remaneat J. filio predicti R. et J. & hered de corpore suo legittime procreat. Et si contingat J. obiet sine heredibus de corpore suo legittime procreat quod tunc predict messuagium remañ R. filio predicti R. et J. et hered de corpore suo legittime procreat. Et si contingat predict R. obiere. &c. quod tunc predictum messuagium per executores vtrumq eorum diutius viuent vendat, et denarios inde recept et proueniens pro animabus parent suorum et eorum in pijs vsibus, et operibus caritatiuis in missis celebrandis et elemosinis distribuendis, prout melius eis viderint expedire pro animabus antecessorum et predecessorum suorum, quibus Dominus

inde concessit seisinam tenendum in forma predicta ad voluntatem domini secundum consuetudinem manerii, et dant domino de fine. ꝛc. et fecit fidelitatem. Et nota ꝙ si vnus eorum obiit, ꝛ heres eius sit infra etatem, fidelitas respectuatur quousq; ad etatem veniat.

¶ A supplycacyon to be exempte from all maner inquestes and iuryes within the lordeshyppe.

¶ Ad hanc curiam venit R C. instant supplicando prout ipse per plurema tempora transacta supplicauit. Et profert domino finem annualem nomine exemptionis, vt ipse ex sua gratia speciali et fauore ob causam senectutis infirmitatis et debilitatis sue possit exonerare de cetero, ab omnibus et singulis inquisitionibus iuramentis ꝛ offic̄ quorumcunq;, tam in hac villa quā alibi infra dn̄im domini sibi obiciendum et assignand̄, quapropter aspecta vero senectute, vna cum infirmitate et debilitate sua sub fine annuali nomine exemptionis inde prolate ac suggestione eius per tenentes et visus q̄ ipsum veracit̄ congrua testificata in premissis, Modo dominus concessit in ista curia per J F. senescallum suum prefato R C. huiusmodi licenc̄ fauorem et exemptionem ad terminum vite sue duratur̄, ꝛ predict̄ R C. dat domino de annuali redditu persoluendum annuatim. iiii. d̄. ad terminos vsuales.

¶ Ad hanc curiam venit J S. et dat domino de fine pro secta cur̄ respectuand̄ per vnum annum, vt patet.

¶ Ad hanc curiam venit J S. natiuus domini huius manerii, et petit licenciam ad maritandum

filiam

filiam suam infra Dominum istud, vell extra, et dominus per W. C. Senescallum suum concessit licenciam, et dat. &c.

¶ Memorandum that there is no maner of estates made of fre lande by polle dede or dede indented, but like estates may be made by copy of copy landes, yf they be well made & entred in the court rolles. And the Stewarde is bounde by lawe and conscyence to be an indifferent iudge bitwene the lorde and his tenauntes, and to enter theyr copies truely in the lordes courte rolles, the whiche is a regyster to the lorde to knowe his presydence, customes, and seruyces, and also a greate suretye to the tenauntes, that their copyes were loste, they may vouche and resorte to the lordes court rolles and the stewarde maye make them newe copyes, accordyng to the olde presydent in ẏ lordes court rolle, lyke as at the commen lawe whan a mater in varyaunce bytwene two men is past by verdyt and iugement giuen therof, and entred in the kinges recordes, there it resteth of recorde and also yf a dede or a patente be inrolled, there it remayneth in lyke maner, so that yf any partie wyl haue any copy therof, they may sue to the Judges & the offycers of the place where the recorde lyeth, and haue a copy therof exemplifyed vnder the seale of offyce of the same place, where suche recorde lyeth, and may plede the same record in euery court the king hathe and the Lordes sterwarde maye do in lyke maner. &c.

¶ The othe of all maner of offycers. generally.

¶ To whome the Stewarde shall saye, ley thy hande

hande vpon the boke, and saye after me, I shall true constable be, true thyrdborowe, true reue, true franke plege, true tythingmã, true ale taster, true wodewarde, and trewe ppynder, with sache other offycers that be vsed to be sworne in the Lordes courte, and trewe presentmente make, and truely and duely do and kepe all thinges that belongeth to myne offyce to do. So helpe me god and my holydome, and kysse the boke.

¶ The othe of a Denyson.

¶ I shal true lyege man be, and true fayth beare to kynge Henry that nowe is, and to his heyres, and no treason do, nor there vnto assente, nor no theft do, nor no theues felowe be, nor any of them to knowe. But that I shall enforme & do to wytte them that be the kinges offycers therof, that haue the lawe to gouerne, and I shalbe buxome and obedyente to Justyces, Commissyoners, sherykes, Exchetours, baylykes, and constables, and to all other offycers of the kynges, in all thynges that they commaunde me to do lawfully. So helpe me god and holydome.

The othe of a ferroure.

¶ I shall truely affere this courte, and hyghe no man for no hate, ne lowe no man for no loue, but to set euery man truely after the quantytie of his trespace to my knowledge, sauynge to a Gentylman his countenaunce & his household, a marchaunt his marchaundyse, a husbande his tenure and his werke beastes, to his ploughe. So helpe me god and my holydome.

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This artycle gothe farther. Et quantum reddant per annum de reddit assise. And howe moche they yelde by the yere of rente of Assyse. And fyrste ye shall knowe, that there be thre maner of rentes that is to saye, rent seruyce, rente charge, and rent secke. Rent seruyce, is where a man holdethe his landes of his lorde by fealtye and certayne rente, or by homage, fealtie, and certayne rent, or by any other seruyce and certayne rente. This is a rente seruice, & yf the rent be behinde at any daye that it ought to be paydc at, the lorde maye distrayne for that rente of commen ryght, and yf the lorde purchase parcell of the sayde lande that the rent goth out of, the rent shalbe apporcyoned, excepte it be an entiere rent, as a sperhauke, or a horse, of such other that can not be seuered, for than the rent is extynct and gone for euer. &c. Rente charge is where a man is seased of landes in fee, and graunteth by pole, dede, or by dede endented an annuell rente goyng out of the same landes in fee or in fee tayle, or for terme of lyfe with a clause of dystresse that is a rent charge, & the graunte may distrayne for the same rent, bycause of the clause of distresse But yf the graunte purchase parcell of the sayde landes, wherof the sayd rent goth out, ỹ hole rent charge is extincte & gone for euer. For suche a rent charge maye not be apporcyoned, bicause the landes come to his owne possession by his owne acte or dede. Rent secke, is where a man seased of landes in fee graunteth a rent goyng out of the same without a clause of dystresse, that is a rente secke and it is called a rente secke, bycause there is no distresse inseident nor belongynge to the same. Also yf a man by dede indented make a feoffemente

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in fee or in fee tayle, the remaynder ouer in fee or for terme of lyfe remayner ouer in fee, reseruynge to hym certayne rente withoute any clause of dystresse in the same, that is a rente secke, and yf the graunte were neuer seased of the sayde rent, he is without remayndre by course of the cõmen lawe. There is an other maner of rente, that is nother rent seruyce, rente charge, nor rent secke, and that is called rente annuell. And that is where as a man graunteth by his dede, an annuytie of. xx. s. be it more or lasse, and chargeth no lande with the payment of the same. That is a rent annuell, and it chargeth the persone that graunteth the sayde rente by a wrytte of annuitie, and in some cause a rente charge maye become an annuel rent, as and a man graunt a rent charge out of his land with a clause of distresse, the graunte is a lyberte, whether he wyll dystreyne for the rente, or sue a wryt of Annuytie agaynste the graunter. And yf he sue his wrytte of annuitie, the lande is dyscharged of any dystresse, and therfore the grauntoure maye make a prouisyon in his graunte. s. prouiso semper, quod presens scriptum nec aliquid in eo specificatum non aliqualiter se extendat ad onerandum personã meam per breue, vel actionem de annuitate, sed tantũmodo ad onerand terras, & tenta predõ de annuali predõ predict. And this prouyse had, the landes be charged and the persone dyscharged.

¶ Of those free tenauntes that sue to the courte of the Countye, and who seweth not and howe moche falleth to the Lorde after the decease of suche tenauntes. Cap. xii.

¶ Item inquirendum est de predictis libere tenentibus

nentibus, et qui sequuntur ad curiam ad com̄ in commitatu, et qui non, et quantum accidit domino post mortem talium liberorum tenentium. It is to be enquered of the forsayde free tanauntes, whiche of them shal folowe the court of the countye and whiche not, and what shall fall vnto the lorde, after the death of suche free tenauntes. Me semeth that all maner suche tenauntes that holde their lande by suche seruyce hauyng charter lande ought to folowe the court of the countie, yf he be sommoned to appere, excepte he haue a specyall graunt by chartoure of the kynge to the contrary and to be sworne in inquiries before the Justyce of peace, Justyce of the assyse, excheters, coroners, and all cōmissyoners of the kynges, and bytwene pertie & pertie, as the lawe hath ordayned it, how beit in some case he shal dispende & haue more landes than in some case, ꝑ is to saye, yf the domage in plee personel, as det, trespas, detinue, & suche other be declared vnder the value of. xl. m̄kes, than a freholder that hathe any chart̄ lande, be it more or lesse, may passe betwene pertie & pertie. And also he is sufficient to enquere for the king in euery byll of indytement of felony, & so is euery constable and free man, thoughe he haue no lande. But there shall no Constable nor freholder enquere of ryot nor forcyble entres, without he may dispende xl. s. clerely. And therfore se the statute of king Richarde the. ii. & kyng H. the. 7. And also where the domages in ple personel be declared. xl. markes or aboue, the freholder must haue landes to the clere value of. xl. s. And euerye man that shall passe of lyfe and deathe and for tytell of lande, be it neuer so lytell, he muste haue landes vnto the value of

of.xl.s. clerely, aboue all charges. And in attaynte yf the thyng in demaunde and verdyte vpon that gyuen, extende to the value of forty. li. or aboue. Than euery man of the graunde Jury, muſt haue landes to the value of.xx.li. of freholde, out of aun lyent demeyn, and of landes in Gauelkynde. xx. li. and yf it be vnder the value of.xl.li. than.xl.s. of freholde is ſuffycyent. The ſtatute reherſeth further. Quid et quantum accidit domino poſt mortem talium libere tenentium. What and howe moche fallethto the lorde, after the death of ſuche free tenauntes. That is and maye be, dyuers maners of rentes, cuſtomes, and ſeruyces. As and a tenaunte holde of the lorde by knyght ſeruyce deceſſe, his heyre beynge of full age, the Lorde ſhall haue for euery knightes fee that the tenaunt holdeth of the Lorde. C s. of his heyre in the name of relefe. For the whiche the lorde maye diſtreyne in euery parcell of that lande, that is ſo holden of hym for the ſame of commen ryghte. And yf it be vnder a hole knightes fee, as halfe a knyghtes fee the thyrde parte, or fourth parte, or the.xx. parte, more or laſſe, the relefe ſhall be apporcyonate, accordinge to the ſame, and ſhall paye his chefe rentes (yf any be) neuertheles. And yf the tenaunt deceſſe, his heyre beynge within age of.xxi. yeres, the lorde ſhall haue the warde and the keppynge of the body, durynge his nonage, and yf he be vnmaried than his mariage to gyue or ſell to whome he will without dyſpargemente, and whan he commeth to full age, he ſhall paye no relefe, and yf he be maryed, and vnder the age of.xiiii. yeres, he maye refuſe and diſagree, but howe the garden or his compyt or graunte ſhall tende, and offer maryage to

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the warde, and yf the warde refuse the offre, or yf the warde be rauyshed, and of wardes bycause of wardes, and of dispargementes of wardes & dysagrementes after maryage, and of wast done by the garden, or his commit or graunt, with mo artycles parteyninge to the same. I remyt all those poyntes to men of lawe, that haue knowlege and experyence thereof, for it toucheth not my mater that I treate of. And yf the tenaunte haue issue female, aboue the age of.xiiii. yere, be she maryed or nat maryed, the lorde shall not haue the warde ne the maryage, bycause the lawe entendeth, that she hathe a husbande or may haue at that age, able to do suche seruyce. But and the heyre female be vnder the age of.xiiii.yeres vnmaried, the lorde shal haue bothe the landes holden of hym and the maryage, tyll she come to the age of.xiiii. yeres, & two yeres further to tende her maryage in, yf she be vnmaryed. And at the two yeres ende, she may entre into her landes, and put out her garden, and to mary at her plesure, but and she be maryed before the age of.xiiii.yeres in the lyfe of her auncester, & than her ancester dye, the lorde shal haue the warde of the lande to the age of. xiiii. yeres, and her husbande and she maye entre and put out the Lorde, and yf the tenaunte holde of two lordes by knyghte seruyce, of one by pryoryte, and of an other by posteryorite and dye, the lorde, that the tenant holdeth of by pryoryte, shall haue the warde of ye body, be it heyre male or heyre female, though there be.iii.or.iiii doughters, for all they are but one heyre to the landes, that be holden of hym. And the other lorde, of whome the landes be holden of by posterioryte, shal haue those landes hol-

den of hym selfe, and nothynge elles. And yf the tenaunt holde landes of one lorde by knyghte seruyce, and also holde landes of an other lorde by socage and dye (his heyres beynge within age) the lorde, of whome the landes be holden of by knyghte seruyce, shall haue the warde and maryage of the heyre, and the landes holden of hym, but he shall not haue the landes holden in socage, nor the lorde of whome they be holden of nother. For those landes holden in socage durynge the nonage, shal go to the nexte of the bloude, to whome the inheritaunce maye not dyscende, wherof he shall make accompte to the heyre whan he commeth to full age. &c. And yf the heyre be of ful age at the decesse of his auncestre, he shall pay a relefe to euery lorde that he holdeth any lande of, yf relefe be due to be payde, by reason of his tenure. But in case that a tenaunte holde dyuers manours of dyuers lordes by knyghte seruyce, and haue but one parcell of lande holden of the kynge in capite, the kyng shal haue all the hole landes holden of euery lorde durynge the nonage, and the maryage of the heyre, yf he be vnmaryed, and yf the heyre be vnder the age of .xiiii. yere, and wyl dyssagre to the maryage than the kynge shall haue the maryage of hym or her, or the value thereof, and the kynge shall paye no chefe rente durynge the nonage, excepte it be founde due to be payde in the offyce of the exchequre, and many other thynges maye falle to the lordes, as herrpottes, and other customes accordyng to theyr originall dedes, and vse of the maner. And ye shall vnderstande, that there be two maner of herrpottes that is to wete, herrpot seruyce and herrpotte customs. Herrpotte seruyce

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ſo where a man hath gyuen landes & tenementes to an other man and to his heyres, to holde of hym and of his heyres, as before the makynge of the Statute. Quia emptores terrarum, or lyth the makinge of the sayde Statute, to holde of the chefe Lorde of the fee, by the seruyce thereof due and of ryght accustomed, reseruynge to hym certayne rentes, herryottes, or any other custome. This is rent seruyce and herryot seruyce, bicause it is expressed in his originall dede. Herryotte custome, is where a man hathe a lordshyppe, wherin hathe bene vsed tyme out of mynde, that euery tenaunte, that holdeth any mese place of the lorde shall gyue his beste quycke good in the name of a herryotte to the lorde, and he that hathe no quycke good, shall gyue his best deade good. And in some place the tenaunte shall gyue for euery mese place that he holdeth a herryotte, thoughe the houses were lette downe an hundred yere before, the whiche me semeth shulde be a greate bybery and extorcyon, as I sayde in the prologue of this treatyse. And therfore it is wysdome for euery man to take his house by indenture. or by coppye, wherin maye be expressed, what rentes, herryottes, customes, and seruyces the tenaunte shall paye and do, for a Lorde maye abrydge and make lesse his custome by wrytinge, but thoughe he make wrytynge, and specifye what rente he shall paye, he muste saye further, for all maner rentes, herryottes, customes, and seruyces. And in some lordeshyppe, euery man that dyethe within the same, be he the Lordes tenaunte or not, shall paye an herryotte. In so mocche that yf a straunge man do ryde or goo by the waye, and dye within

suche a lordeshyppe, he shall paye an heryot, the whiche is playne extorcyon and against the commen ryght. For betwene the Lorde and hym that died was none other priuytie of bargeyn or couenaunte. And in some lordeshyppe, the Lorde shall take the herpotte before the persone or the vycare his mortuarye, and in some places the churche before. And that is, as it hathe bene accustomed and vsed tyme out of mynde. But for the moste parte the Lorde taketh before, bycause the Lorde maketh couenaunte with his tenaunte in his lyfe that he shall haue his beste quycke good at his decesse, and the mortuary is not oue tyll he be deade and the herepotte was couenaunted and graunted before in his lyfe, and the fyrst bargayne must be obserued and kepte. And also in some places it is parted bytwene the churche and the lorde, and that is, where he that is dead hath no more quick good, but one horse or one beast, and than he that hathe be vsed to chose fyrste shall haue the better parte by one peny, but of deade good, eyther party shall haue one. But there shall nouther of them take any dead good, as lóge as there is any quick goodes, and in many lordships it is vsed, that and the tenant leaue his house by his owne wil without any dyscharge of the lorde, the tenaunte shall paye his beste quycke good to the lorde in the name of an herepot, and in some lordshyppes it is accustomed, that and the tenaunt departe fro the lordshyp by his owne wyll, he shall make a fyne with the lorde for his departynge, and moste commenly it is. ii. s. and it is called a farefree or a farewell. And suche a tenaunt that gothe at his owne wyll shall make all maner of reperacyons, and that tenaunte

naunte that is dyscharged by the Lorde or by his offycers, shall make no reparacyons, excepte he be dyscharged for not doynge reparacyons. &c.

Howe many customary tenantes there be, and howe moche landes euery of them holdeth & what werkes and customes they do, and what the werkes and the custommes of euery tenaunt is worth by the yere, and howe moche euery of them paieth, ouer the customes & werkes. &c. Ca. xxii.

Item inquirendum est de custumariis videlicet quot sunt custumarii, et quant terre quilibet custumarius teneat, quas operationes & quas consuetudines facit, et quantum valent per opera et consuetudines cuiuslibet custumarii per se per annum, et quantum redditum de reddita Assise per annum preter opera et consuetudines, et qui possunt talliari ad voluntatem domini, et qui non.

It is to be enquered of customary tenauntes, that is to wyte, howe many there be, and howe moche lande euery tenaunt holdeth, and what werkes & customes he dothe, and what the werkes and customes be worthe of euery tenaunt by it selfe, and howe moche rente by the yere, aboue his werkes and customes, he dothe paye, and whiche of them maye taxe theyr landes at the wyll of the Lorde, and whiche not. Customarye tenauntes are those that holde theyr landes of theyr lorde by coppe of courte role, after the custome of the manor. And there maye be many tenantes within ỹ same maner, that haue no coppes, and yet holde by lyke custome and scrupce at the wyll of the lorde. And in myne opinyon, it began sone after the conquest

whan Wyllyam Conquerour had conquered the Realme, he rewarded all thoſe that came with hym in his vyage royale, accordynge to theyr degree. And to honorable men he gaue lordeſhyppes maners landes, and tenementes, with all the inhabytauntes, men and women dwellynge in the ſame, to do with them at theyr pleaſure. And thoſe honorable men thought, that they muſt nedes haue ſeruauntes and tenauntes, and theyre landes occupyed with tyllage, wherfore they pardoned the inhabytantes of theyr lyues, and cauſed them to do all maner of ſeruyce, that was to be done, were it neuer ſo vyle, and cauſid theym to occuppye theyr landes and tenementes in tyllage, and toke of them ſuche rentes, cuſtomes, and ſeruyces, as it pleaſed them to haue. And alſo toke all theyr goodes and catell at all tymes at theyre pleaſure, and called theym theyr bondemen, and ſythe that tyme many noble men bothe ſpirytual and temporall of theyr godly dyſpoſycyon, haue made to diuers of the ſayde bondemen manumiſſyons, and grauntcd them fredome and lybertie, and ſette to them theyr landes and tenementes to occuppye, after dyuers maner of rentes, cuſtomes, and ſeruyces, the whiche is vſed in dyuers places vnto this daye. Howbeit in ſome places the bond men contynewe as yet, the whiche me ſemethe is the greateſt inconuenyence that nowe is ſuffered by the law. That is to haue any chriſtē man bounden to an other, and to haue the rule of his body, landes, and goodes, that his wyfe, chyldren, & ſeruantes haue laboured for al theyr lyfe tyme, to be ſo taken, lyke as & it were extorcyō or bribery. And many times by coloure therof, there be many free

men

men taken as bondemen, and theyr landes & goodes taken from them, so that they shall not be able to sue for remedy, to proue thē selfe fre of blode. And that is moste commenly, where the free men haue the same name as the bonde men haue, or that his auncestors, of whome he is comen, was manumyssed before his byrth. In suche case there can not be to great a punyshement. For as me semeth, there shulde no man be bonde but to God, and to his kynge & prynce ouer hym. Quia deus non facit exceptionem personarum. For god maketh no exception of any person. Wherfore it were a charytable dede, to euery noble man bothe spirytuall and temporall, to do as they wolde be done by, and that is to manumyse them that be bonde, and to make them free of bodye and bloude, receyuynge to them theyr rentes, customes, and seruyces of olde tyme due and accustomed, wherin they maye get the prayers of the partie, and remyssyon of theyr offences as in the gospell. Eadem mensura, qua metimini fueritis, metietur vobis. The same measure that ye do mete to other men, shall be metten to you. In many lordeshyppes there is a customary roule bytwene the Lorde and his tenauntes, and it ought to be indentented, one part to remayne in the Lordes kepinge, the other parte with the tenauntes, and diuers true coppes to be made of the same that the rentes and custommes ronne nat oute of remembraunce. And also a suyte role, to call al those by name, that oweth any suyte to the lordes courte, and than shall there be no counsclemente of the suetoues, but that the Stewarde maye knowe who is not theare, and yf any Suetour decesse, the name of his nexte

heyre wolde be entred in to the same roolle, and an enquery made and presented, what he helde of the Lorde. and by what rentes, customes, and seruyce of euery parcell by it selfe, and who is his nexte heyre, and of what age he is of, & this truely done and entred in to the rolle, it wolde be a conueyaunce of diuers in maner of a petty degree, and profytable to the lordes, and also to the tenauntes causa patet. The name of euery tenaunte must be put in the rolle, and his mese place to be butted & bounded, as it lyethe in length and brede, and betwene whome. And also his landes, medowes, leys. and pastures lykewyse butted and bounded, that it maye be knowen many yeres after, who dwelled there, and what landes, medowes, and pastures laye to the same at that tyme. And what werkes and customes the tenaunt dothe for euery parcel, and what the werkes & customes be worth in a yere, and howe moche rente the tenaunt doth paye for euery parcelle, beside the customes and werkes, to the entent, that yf any parcell of lande medowe, or pasture be alyened, solde, or chaunged or put from one tenaunte to an other. The lorde and his bayliffe maye knowe what rentes, customes, and werkes he shall aske and haue of the occupyer for euery parcell. And it is the moste speciall poynte that longeth to a Surueyour, to butte and bounde truely euery parcell by it selfe, and to knowe what rentes, werkes, and customes, and seruyces, goeth out of the same, for than maye he make a true rental or customary rolle, and put all thynges in a certentye.

¶ Of cotters, what cotages and curtilages they holde and by what seruyce, and howe moche rent they

they paye by the yere. &c. Cap. xiiii.

¶ Item inquirenduz est, de cotagellis, que cotagia et curtilagia teneant, et per qd̄ seruic̄, & quantum reddant per annum, pro predict̄ cotagiis et curtilagiis.

Also it is to be enquered of Cotagers, what cotages and curtylages they holde, and by what seruyce, and what they yelde by the yere for the foresayde cotages, and curtylages. This chapter and the nexte presydent, be both of one effecte, but that it is to presume, that there is not so moche rentes herryottes, customes, and seruyces, to be payde & done for a cotage, as there is for a mese place or a better tenemente, but it may be lyke custome and seruyce.

¶ Of perquesytes or profytes of counties, of courtes, and of forrestes, what they be worthe by the yere. &c. Capitulo. xv.

¶ Item inquirendum est de perquesitis commitatuum, cur̄. forestariorum, cum predictamentis canum, et quantum valent per annum in omnibus exitibus.

Also it is to be enquered, of the perquesytes and profites of the counties, of the courtes, and of the forestes with the cuttynge of the dogges clayse, & howe moche they be worthe in the yere in all the issues and profytes. This chappyter toucheth not the offyce of a Surueyour but lytell, for the issues and profytes of the counties, sessyons, and assyses are moste commenly the kynges, and they be kept and ordayned by the shyreffe and the Justyces of peace that be ordayned and put in commissyon by the Kynge and his counsayle, and the issues and

profytes of them are excepted by the sayde Justy-ces, and returned in to the Kynges escheker, and there they rest of recorde, the whiche afterwarde is extreyted agayne, and sende downe to the shy-reffes of euery countie to leuy and gather vp the same, and therof to make an accompte in the said Escheker, & it is called Grene waxe. And the cour tes of the forestes be ordayned & kept by the Justy ces of the forestes and theyr deputyes, and the is-sues and profytes therof, the whiche cometh most cõmenly by fynes and mercyamentes, are not ex-treyted in to the Escheker, but made oute by the stewarde to the bayliffes & other officyers of them that oweth the forest. And there me semeth the Surueyour may syt with the Justyces of the fo-restes for one thynge specyally, and that is this, that no townesshyp nor hamell enter cõmen with-in the forestes, chases, wastes, heythes, mores, & suche other greate commens, but all onely suche that of ryght ought to haue commen within the same. Wherfore it wolde be ordayned, that euery townesshyppe and hamell, that ought to haue any suche commen in any forestes, chases, wastes, mores, heythes, and suche other greate commens, where dyuers townesshyppes and hamels enterco men together, euery townesshyppe & hamel ought to haue a dyuers brennyng yron, and euery beaste horse, mare, and colte, that is put vpon the cõmen ought to be brenned in some parte of his bodye with the sayde yron, and than shall euery beaste be knowen of what townesshyppe he is. And that were a greate redyneſſe vnto the kepers, and also a greate sauegarde for stealynge of the cattell. And than maye the kepers, regarders, goysters,

and

and other offycers of suche forrestes and chases, haue parfite knowlege, what towneship the catel is of. And yf any of the sayde offycers fynde any maner of catell, hauynge no suche brennyng, they maye attache them and cease them as streys, and put them in sauegarde to the Lordes vse, tyll they be yered and dyed. And they ought to aske them thre sondayes in thre or foure parysshe churches, and also crye them thre tymes in thre market townes. And yf no man come within the yere and the daye, and to make suffycient proue that the catell is his, than it is forfayte to the lorde as a straye, and in lyke maner the swyne and shepe of euerye towneshyp and hamell, ought to be pytched with the sayde brennynge yron, or suche an other lyke the same, but as for al other poyntes and artycles touchynge the forrestes, the Surueyour hath lytell to do, wherfore I remyt all other artycles to the Justyces of the forrestes, and to do theyr deputies to execute theyr offyce, and ye shall knowe that no man shall haue a forreste of ryght but the kynge, except he or his auncesters haue had a specyall graunte thereof by charter of the kynge and his progenytours in tymes paste, and so vsed. &c.

¶ Of churches that belonge to the gyfte of the Lorde, howe many there be, and where they be, and what euery churche is worth &c. Capitulo. xvi.

¶ Item inquirendum est de ecclesiis, que pertinent ad donationem Domini, quot sunt, et vbi, et quantum valent, et quantum quelibet Ecclesia valet per se per annum, secundum veram estimationem

eſtimacionem illius. It is to be enquered of al the churches that belonge to the Lordes gyfte, howe many there be, and where they be and what they be worthe, and what euery churche is worth by it ſelfe by the yere after the trewe eſtymacyon of the ſame. The letter of this chappter is very playne, and nedethe not moche declaracyon further than is ſpoken of, but alonely in one thyng, and that is this, ofte tymes he that hathe ryght to preſente to a churche at one tyme, hath not ryght to preſente to the ſayde churche at the nexte tyme. And that is where any ſole patrone of a churche hath iſſue two, thre, or foure doughters and deceſſe, ſo that the ryght of patronage of the ſayde churche deſcendeth to al the ſaide doughters, whan yᵉ church is voyde, they ſhall preſente by turne, the eldeſte doughter fyrſt, than the ſeconde at the nexte auoydaunce, than the. iii. and ſo forthe, tyll they haue preſented ones ouer, and than to begyn agayne at the eldeſte doughter, excepte they make any other perticyon amonge them ſelfe by agremente. And than muſte euery one of theym preſente by theyre tourne accordyng to theyr particyon as it cõmeth aboute. And ſo muſte the Surueyour make his boke, accordynge to the ryght of the preſentacyon as euery tyme, ſecõde tyme, thyrde tyme, or fourth tyme, and ſo forthe. Alſo what Lordes or Gentylmen haue theyr turneyſe with theym in the ſame benefyce, and whiche of them preſented laſte, and who ſhal haue next, and who than, tyll they haue gone about, and in what towne it is, and in what ſhyre and dyocile it is, and what euery benefyce is worth by it ſelfe by the yere, as it can be eſtymate

¶ What the herryottes be worthe, the feyres, exchetes

chetes, cuſtomes, ſeruyces, and forreyne werkes, the plees and perquelyties of the courtes, Fynes, reliefes, and all other thynges that maye fall vnto the Lorde by the yere. Capitulo. xvii.

¶ Item inquirendum eſt, quantum valent herriotta, nundine, eſcacta, conſuetudines, ſeruit̃, et operationes forinſice, et quantum valent placita et perquelita, fines et relcuia, et omnia alia que accidere poſſunt per annum in oꝝnibus.

It is to be enquered, what be the value of herryottes, feyres, exchetes, cuſtomes, ſeruyces, and forreyne werkes, and what the plees be worthe, and the perquelyties or profyttes of the Courtes, fynes, reliefes, and all other thynges that may fall by the yere in al. This chappter gothe in generaltie, and is lyke, as whan an auditor hath caſte all the minyſter and partyculer accomptes of euery bayliffe or reue and other accomptance, and hath made his boke partyte of all the particuler, wher vpon the hole charge reſteth. Than whan the lorde wolde knowe what the extente is of all his hole landes, and alſo of euery pertyculer parcell by it ſelfe, it were to longe a proceſſe to ſhewe him all the ſayde minyſter and pertyculer accomptes, and though he dyd, he ſhulde not knowe the groſe ſommes of his rentes, fynes, herryottes, exchetes perquelytes, & ſuche other, euery of them by hym ſelfe, wherfor he wyll cauſe his auditor to make a value in maner of a bredgemente of all the ſaide minyſter accomptes, and fyrſte to knowe the hole charge of all the hole particulers, what they be at the fyrſte ſyght, in the ſommes totall. Than to

deuyde

deuyde the lommes totall in dyuers parcelles, as the chefe rentes of the freholders by the felfe, the rentes of cuſtomary tenauntes by them felfe, tenauntes by Indenture, or tenauntes at the Lordes wyll by theym felfe, ſo that he maye make a groſe lomme of euery maner of rente, ſo that one rente maye be knowen from an other. But than muſt the Iudytoure haue good and parfyte infoꝛmacyon, oꝛ elles he can not do it, and that infoꝛmacyon muſte come by the Surueyour & the baylyffes, foꝛ they ought to knowe one maner of rent from an other, and therfoꝛe theyꝛ rentalles wolde be made accoꝛdynge, alſo the perquelyties of the courtes by them felfe. And thoſe muſte be in lyke maner deuyded, as the Pleas by them felfe, the mercementes foꝛ commen treſpas by them felfe, Fynes by them felfe, herryottes by them felfe, exchetes by them felfe, and ſo of reliefes, feyres, marketes, and all other caſualties, euery of them by them felfe, and ought to be preſented in the court by them felfe. And therof to be made an eſtreyte to the Baylyffe oꝛ reue to gather by, and brought in to the accompte to the Iudytoure, the whiche he maye deuyde in makynge of his value, yf the accomptaunte bryngе hym parfyte rentalles and courte rolles and not elles. But yf they do not at the fyrſte tyme, he muſte teache and enfoꝛme them howe they ſhulde make them perfyte. Alſo cuſtomes, ſeruyces, and werkes be oftetyme done by bodely ſeruyce, and werkes, and than they be not to be accompted foꝛ, but yet mencyon wolde be made in the accompte therof. And many tymes ſuche maner of cuſtommes, ſeruyces, and werkes be tourned in to money. And than it commenly

goth

gothe with the rentes and the baylyffe or reue is charged therwith. And this chappter reherseth further. Et omnia alia que accidet possint per annum in omnibus. And of all other thynges, that may fall to the Lorde, what they be worth by the yere. And those may be taken as mynes of tynne, leede, or cole, yron, stone, freestone, myne stones, grynded stones, lyme stones, chalke, fullers earth sande, clepe, grauell, brome, gorse, or fyrs, marle, turues, thorne, wode, bushes, heithe, ferne, or braken, and suche other, yf there be any newe founde and ought to be put in a rentall to a certentie, or els to be put in a accompte by waye of approuemente. And than the Audytour maye deuyde the casualties from the certenties, & to make a grose some of them all. And yet maye the value of euery thyng appere & be knowen howe moche it is by it selfe. And than muste there be deduct out of the sayde grose some all maner of out rentes and ordynary charges as baylyes fees, reperacyon and suche other, and than to make a clere grose some of euery yere by hym selfe. And bycause oft tymes more casualties falle or come to the lorde more in one yere than in an other, therfore it is conuenyente that the clere grose somme of fyue or syxe yeres or mo, wolde be caste to gyther in one grosse some, and to deuyde that some in as many partes as there was yeres caste to gyther, and than the clere value of one yere wyll be commenly aboute that some so deuyded. And thus endeth the breef declaracyon of this Statute. Extenta manerii.

¶ Explicit.

¶ Of dyuers maners of takynge and doynge of homage and fealtye. Capitulo.xviii.

In so moche I haue shewed dyuers dyuersyties of tenures, and also dyuers maners of makynge of copies, and the othes of the offycers of the court, thoughe they be not expressed in the statute, me semeth also it were conuenyente to shewe the diuersytes and maner of taking and doynge of homage and feaultie. And ye shall vnderstande that homage is the moste honorable seruyce, and the moste humble seruyce of reuerence, that a free man maye do to his lorde. For whan the tenaunte shall do homage to his chefe Lorde. of whome he holdethe his chefe maner or mancyon place, by knightes seruyce and pryorite, he shal be vngyrde, and his hedde vncouered, & the Lorde shall sytte, and the tenaunt shall knele before hym on bothe his knees, and shall holde his handes stretched out to gether bitwene the lordes handes and shal saye thus, I become your man from this daye forwarde, of lyfe and of membre, & of worldly honoure. And to you shalbe faythfull and lowly, and shall beare fayth to you, for the landes and tenementes the whiche I holde of you, sauing the faith that I owe to our soueraigne lorde the king and my other lordes. And the lorde so syttyng shal kysse his tenante, the whiche is a sygne of parfyte loue. And why sayth the tenaunte, of lyfe and of all worldly honoure? Bycause he holdeth his landes of his lorde by knyght seruice, and also by pri

oryte,

orytie, for and he holde other landes of an other Lorde by knyght seruyce and posteryoritie, he shal not saye to hym of life and of member, for though he be bonde to hym by reason of his tenures of knyght seruyce, to go to batayle with his Lorde, and to putte his lyfe and members in ieopardye with his lorde. yet can he not go with them both. And therfore shal he go to bataile with that lorde that he holdeth his landes of by pryorite. And bycause therof, if any such tenāt dye, his heyre being within age, the lorde shall haue the kepyng of his body, and the profyte of those landes that be holden of hym, durynge the nonage and also the maryage of hym. Wherfore it is to be presupposed that the lorde wyll be more louynge and kynde to hym, than any other of his frendes wolde be. Seyng than when he cometh to full age, he shall put his lyfe in ieopardy for his lorde, the whiche byndeth the Lorde by reason the rather to do for hym whan he is not able to helpe hym selfe, where as his frendes maye fortune cared not for hym, and had leauer an other had the lande than he.

¶ And yf an abbot, or a pryour, or any other man or woman of religyon shuld do homage, they shal nat say, I becōe your man. ꝛc. bycause they be al onely professed to god to be his men and women, and to none other. And therfore they shall knele and holde theyr handes as the other dyd, and say thus. I do to you homage, and to you shall be faythfull and lowly, for the landes and tenementes whiche I holde of you, sauyng the fayth that I owe to our soueraygne lorde the kynge. ꝛc.

¶ And yf a woman sole shulde do homage, she shall not saye, I become your woman for it is not

conuenyente, that a woman shulde become woman to an other man, than to her husbande, whā she is maryed. And therfore she shall saye as the relygyouse men and women do. I do to you homage. &c.

¶ And yf a woman couerte with baron shall do homage, they shall knele before the Lorde bothe, and the Lorde shall take bothe theyr handes betwene his handes, and the husbande shal speake all the wordes, as thus. We to you do homage, and fayth to you we shall beare for the landes that we holde of you, sauynge the fayth that we owe to our soueraygne lorde the kyng his heyres and to our other lordes, and they bothe shall kysse the lorde &c.

¶ And in case a man shulde do homage vnto his Lorde, and the lorde graunt his homage and seruyce to an other man. Nowe shall the tenaunt do his homage and seruyce to the graunteour, after this maner. I become your man fro this daye forthe, and to you shalbe faythfull and lowly, for the landes and tenementes that I holde of A. B. your grantour, in the townes of C. D. the which to you he hath graunted my homage and seruyce in the sayde townes, sauynge the fayth that I owe to our soueraygne Lorde the kynge. and my other lordes. &c.

¶ And knowe you that one lorde may haue done to hym dyuers homages of dyuers tenauntes, for one maner of lande. But one tenaunt shall do but ones homage for one maner of lande, for though the lorde dye, his heyre or his assygne, yf he sell it or graunt it awaye, they do represente the lordes estate. But and the tenant haue done his homage

to

to his Lorde, and after the maner, wherof the tenaunte holdeth his landes is recouered agaynste the lorde. Nowe shall the tenaunt do his homage agayne to hym that recouered the manere, for he cometh not in by the lorde, but by force of recouere, the whiche proueth the fyrste homage to be voyde, for it was done to hym that had no ryght to take it. &c.

¶ Also ye shall knowe, that a man may dystrayn his tenauntes catell for homage by course of the commen lawe, and also for relefe. And thoughe a man haue payde his relefe, yet he shall do homage and fealtye. Also ye shall vnderstande, that no man shall do homage, but he that hathe a state of inheryttaunce in fee symple or in fee tayle, in his owne ryghte, or in his wyues, for tenauntes for terme of lyfe, tenauntes by the curtesye, nor tenaunt in dower, shall do no homage, nor take no homage. &c.

¶ And yf a man holde landes of the kyng in chefe and haue issue thre or foure doughters and dye, al the doughters shall do homage to the kynge. And yf the landes be holden of an other Lorde, the eldest doughter shal do homage for all, and also the seruyces, and the other doughters shalbe contributoryes, and beare euery one of them theyr portyon of the same.

¶ And whan a free man shall do fealtie to his Lorde, he shall laye his hande vpon the boke, and shall saye thus, heare you my lorde that I. M. do de E. fro this day forth, to you shalbe faythfull & lowly, and fayth to you shall beare for the landes and tenementes that I clayme to holde of you, and loyally shall do and pay the rentes, custoes, &

seruyces, & I ought to do at the termes assyg ned, as god me helpe and al sainctes, and than kisse.&c.

¶ Whan a villayne shal do fealte to his lorde, he shall laye his hande vpon the boke and say thus. Here you my Lorde R that I. W. de L. fro this daye forthe to you shalbe sayethefull and lowely and to you shall do all the customes and seruyces that I ought to do to you, for the landes that I holde of you in vyllenage, and I shall be iustifyable of bodye and of goodes, as god me helpe and his saynctes, and than kysse.&c.

¶ Whan a vyllayne that holdethe no landes of the lorde shall do fealtye, he shall ley his hande vpon the boke and say thus. Here you my lorde W. that I. W. B. fro this daye forthe to you shall be sayethfull and lowly, and I shall be iustifyable to you of bodye and of goodes, as god me helpe and his saynctes, and kysse the boke.&c.

¶ What a Surueyour shulde do.

Capitulo. xix.

¶ Nowe this Statute is breuely declared, it wolde be vnderstande howe a lordeshyp or a maner shulde be surucied and vewed, butted & bounded on euery parte, that it maye be knowen for euer, whole euery parcell therof was, at the makynge of this boke, and it maye serue as well to saue the inherytaunce of the Lordes, as of euery free holder by charter, coppe holder, and customary holder, and to knowe euery mannes lande, as it lyeth to his house one from an other, so that it maye be knowen an hundred yeres after, and for euer, what maner of landes, and howe many acres euery man had to his house at that time, and where they lye. The name of a Surueyoure is a

frenche

frenche name, and is as moche to say in Englysshe as an ouerseer. Than it wolde be knowen howe a surueyour shulde ouerse or suruey a towne or a lordeshyppe. As and the cytie of London shulde be surueyed, the Surueyour may not stande at Hygate, nor at Shotershyll, nor yet at the Blacke-heth, nor suche other places, and ouer loke the cytie on euery syde. For and he do, he shal not see the goodly stretes, the fayre buildynges, nor the great substance of ryches contayned in them, for than he maye be called a dysceyuer, and not a surueyoure. And in lykewyse yf a man shall dyeu a close or a pasture, he maye not loke ouer the hedge, and go his waye, but he muste outher ryde or go ouer and se euery parcell thereof, and to knowe howe many acres it contayneth, and howe moche therof was medowe grounde, howe moche pasture grounde, howe moche woode grounde, or bussche grounde, heythe, lynge, or suche other, and what an acre of medowe grounde is worthe, and what an acre of pasture, and what an acre of the wode grounde or bushe, and suche other be worthe. And what maner of cattell it is best for, and howe many cattell it wyll grasse or kynde by the yere, and what a beastes grasse is worth by the yere in such a pasture, or els he can not set a true value what it is worthe. And therfore a Surueyoure must be dilygent and laborious, and not slouthfull and re-chcles, for and he be, he is not worthy to haue his fee or wages, and maye fortune to make an vn-perfyte boke. And yf he so do, it is to his shame and rebuke, and greate ieopardye to his soule to make a false presydente, wherfore it is conuenyents to remember the sayinge of the wyse physi-

losopher. Adhibe curam, that is to saye, take hede to thy charge, and so yf he shulde vyew a cytie or a towne, he muste begyn at a certayne place, as and it were at the drawe brydge of London brydge on the Easte syde, and there to make his tytelynge where he beginneth, and to shewe who is lorde of the house nexte vnto the sayde brydge, and who is tenaunte. And yf he be a free holder, what chefe rent he payeth to the lorde, customes or other seruyces. And yf it be no free holde, than the rent nedeth not to be spoken of but at his pleasure, for it maye ryse and fall. And howe many fote in brede, and howe many in lengthe. Than to the seconde house on the same Easte syde in lyke maner, and so to peruse frome house to house, tyll he come to saincte Magnus churche. And than returne again to the sayde drawe brydge on the weste syde, and there begyn at the house next to the sayde bridge, and so to peruse from house to house, tyl he come to the corner nexte Temmes strete, and than he maye chose whether he wyll followe the southe syde of the sayde Temmes, strete westwarde and Eastwarde, tyll he haue perused the hole paryshe And yf there be any maner of gardeyns, entrees, or aleys, or other dwellynge places withinforthe, they maye not be ouerskypped, forgotten, nor left out, but taken by the waye. Howe moche euery garden is, howe longe euery aley and entre is, and howe many dwellynge places be therin, & whose they be, and howe many cellars or tauernes there be, and howe many fotes euery one of them be in length and brede. And so to go frome paryshe, to paryshe, tyll he haue viewed the cytie, and euery strete and lane wolde be remembred what length

and brede they be of. And also euery churche and churche yarde, and other voyde places the whiche wolde alke a greate leyser, but yet it is possyble to be done.

¶ Howe a man shulde vyew, butte and bounde, the maner and the townesshyppe. Ca. xx.

¶ The towne of Dale.

¶ The vewe of the manere of Dale taken the tenthe daye of Maye, the .xiiii. yere of the raygne of kyng henry the viii. by A B. generall Surueyour to the ryght honorable Lorde. C D. Lorde of the same, and by his commaundemente, and also by the othes of E. F. G. H. and many other tenauntes of the same, as here after ensueth.

¶ The sytte of the maner of Dale standethe and lyethe betwene the kynges hyghe waye leadynge from the towne of A. vnto the towne of B. on the southe parte, and the churche yarde of the same towne of Dale on the Easte syde, and the cõmen felde of the same towne called the northe felde on the north part. And the tenement or mese place of Johan Coke on the west parte, and conteynethe. xx. perches in brede and .xxx perches & four fote in length, euery perche .xvi. fote & a halfe, wherupon is set the manere place sufficyently buylded with two crosse chambers of stone, of bricke, or tymbre, with all maner of houses of offyce within forth, and two barnes, and an ox house, a hepe house, and a stable, a gardeyne, and an orches yarde. And yf it be moted about, expresse howe moche houslynge standethe within the mote, and howe moche without, and with what maner of couerynge the houses be couered. The whiche maner with the demeyns, landes, medowes, leyse

Fiiii and

and pastures be nowe in the holdynge and occuppynge of T. H. and payeth by the yere, at foure termes or two tymes there vsed. s. &c. by euen porcyons. vi li. xiii s iiii d.

¶ The syte of the personage standeth and lyeth bytwene the sayde hyghe waye on the south part and the sayde churche on the west parte, and the sayde northe felde on the northe parte, and the tenementes of J L. on the Easte part. And the said person hathe a crofte lyinge bytwene the sayde northe felde and the sayde churche yarde on the southe parte. And the sayde syte and crofte conteineth. x. perches on the south syde, and. xiiii. perches on the north syde, and. xxx. perches in length on the Easte syde, and. xvi. perches and a halfe on the weste syde. And the mancyon place and the houses ther vnto belongynge, be nowe ruynouse, and one syr H. B. is nowe person there, and had it of the gyfte of the lorde, to whome the gyfte belongeth euery thyrde tyme and to J. F. the nexte time, and L D. the thyrde turne, and so as ofte as it falleth. And the sayde H B. occuppeth the sayde personage hym selfe, with all the glebe landes, medowes, tythes, & all other fruites, and is worth by the yere. xx. li. And in lyke maner of a vycarage, and than must ye shewe who is person, the which moste commenly is a spirytuall man.

¶ J B. holdeth a mese place frely of the Lorde by charter, with dyuers landes, medowes, and pastures belongynge to the same. The whiche mese place lyethe bytwene the sayde hyghe waye, and the sayde northe felde, as is before sayde, and the sayde personage on the weste syde, and the tenement or mese place of F G. on the East part, and

conteyn-

conteyneth.xii.perches on the south ende in brede and.xxii.perches and foure fote in length, and.xvi perches in brede on the north ende, and he holdeth the sayd mese, with all that longeth therto, of the sayde lorde by homage, fealte, and.ii.s, by the yere and halfe a pounde of pepper, and sutes of court from thre wekes to thre wekes, & to the.ii. greate letes. And this he maye expresse the seruyce of the rente, yf he maye haue parfyte knowledge by the lordes presydence or by orygynall dedes.

¶ F. G. holdeth a mese place with the appurtenaunce of the sayde lorde at his wyll or by indenture or coppe, and it lyethe bytwene the sayde hye waye, and the northe felde, and the forsayde mese place of J C. on the westsyde, and the felde called Easte felde on the Easte syde contayneth.xi. perches and syxe fote in brede, and.xviii.perches and ten fote in length. And payeth vnto the lorde at the termes there vsuelles. xvi.s. sute of courte.ii. hennes, and an herryotte at his decesse. &c,

¶ G. H. holdeth a cottage of the lorde by coppe, and standeth bytwene the sayde hye waye on the northe syde, and the towne felde called the southe felde on the south parte, and the sayde East felde on the Easte syde. And a mese place of the pryour of B. on the weste syde, and it conteyneth by the hye waye syxe perches, and at the southe ende, vii perches and eight fote, and on eyther syde.xii.perches, and payeth by the yere at the sayde termes twentie pence, suyte of courte and one henne.

¶ The Pryour and the couente of B. holdeth a mese place and a crofte with the appurtenaunce of the Lorde freely in pure almes, and it lyeth bytwene the sayde cotage in the holdynge of G. H.

on the Eaſte ſyde, and a meſe place of the lordes, in the holdynge of T. H. on the weſte, and butteth vpon the ſayde hyeway on the ſayde ſouthe felde, and conteyneth in brede by the ſayde hyghe waye ſyxtene perches, and in lengthe twenty perches, and at ꝑ ſouthe ende twelue perches in brede and payeth to the Lorde halfe a pounde of pepper for all maner of ſeruyce. ꝛc.

¶ T. H. holdeth a meſe place of the Lorde by indenture, and it lyethe betwene the ſayde tenement of the priours on the Eaſte ſyde, and an other hye waye that leadeth or goth fro the forſayde church or parſonage, to the towne of H. on the weſt ſide betwene the forſayde hye way on the northe ſyde and the tenemente of the lordes in the holdyng of H L. on the ſouthe ſyde, and it conteyneth. x. perches euery waye, and payeth by the yere. ꝛc. ſuyte of courte and herrygotte. Alſo the ſayde H T. holdeth of the lorde an horſe myne, nexte adioyning to his ſayde meſe and the tenement of H L. and is conteyned bothe in lengthe and brede within the ſayde. x perches, wherof the Lorde ſhall fynde all the great tymber, and bryngе it to the myne, and the mylner ſhall make all the coſte, bothe of the houſe, and the going geyre. And alſo he ſhall both thacke and daube at his owne coſte and charge, and payeth for the ſame at the ſayde termes fyre ſhyllynges, two hennes at Chriſtemas, and two capons at Eaſter.

¶ H L. holdeth a tenement of the lorde, and it lyethe betwene the ſayde horſe myne on the northe ſyde, and the ſayde ſouthe felde on the ſouthe ſyde and butteth vpon the ſayde hyeway that leadeth to H. on the weſt, and the croſte of the ſayde pry-

ours

ours on the Eaſte, and conteyneth. xii. perches and ten fote in bꝛede by the hye waye, and. ix. perches in lengthe to the ſayde croſte, and payeth at the termes a foꝛeſayde. x. s. two hennes at Chꝛiſtmas, and ſupte. ꝛc.

¶ ꝑ Q. holdeth a cotage of the loꝛde at his wyll and it lyeth bytwene the ſayde hye way that leadeth to S. on the Eaſte ſyde, and a croſte of R E. on the weſt ſyde, and a felde called ſouthefelde on the ſouthe ſyde, and the tenemente of R. E. of the noꝛthe, and it conteyneth in bꝛede by the hye way foure perches, and in lengthe ſyxe perches, and a halfe, and payeth. ꝛc.

¶ R E. holdeth a tenement and a croſte called the Swan freely by charter, and they lye vpon the coꝛner bytwene the ſayde two hyghe wayes, on the noꝛthe and Eaſte, and a tenement of the Loꝛdes, in the holdynge of W. C. and a medowe called weſte medowe on the weſte ſyde, ⁊ a cotage in the holdynge of ꝑ Q. and ſouthe felde on the ſouthe ſyde. And it contayneth in it ſelfe. viii. perches ſquare, and the croſte conteyneth. xii. perches in lengthe, and ſyxe in bꝛede, wherin be fyue buttes, of the whiche one butte is the ſayde pꝛyour of B. that is to ſaye nexte vnto the hedge on the weſte ſyde except one, and he holdeth the ſayd tenement of the loꝛde by homage, feaultie, and a ſperhauke foꝛ all maner of ſeruyce.

¶ W C. holdeth a tenement of the loꝛde, lyenge bytwene the ſayde tenement of R E. on the Eaſte ſyde, ⁊ the medowe called the weſt medowe on the weſt and ſouth, ⁊ the ſayd way that leadeth from A. to B. on the noꝛth ſyde, ⁊ conteyneth xiiii. perches in bꝛede, and. xvii. in length, and payeth. ꝛc.

I C. holdeth a tenement of the lorde and it lyethe bytwene the layde maner place on the Eaſte ſyde and the weſte medowe on the weſte ſyde, and the noꝛthe feilde on the noꝛthe ſyde, and the layd way that ledeth from A. to B. on the ſouthe ſyde, and conteyneth by the waye leuen perches, & in length ten perches, and payeth at the termes accuſtomed xii.ſ.vi.d.ii. hennes at Chriſtmas, ſuyte of court and herꝛpotte at his deceſſe. ꝛc.

¶ He that ſhal vieu, butte, and bounde landes oꝛ tenementes, by Eaſte, Weſt, Noꝛthe, and South it is neceſſary that he haue a Diall with hym. foꝛ els and the ſonne ſhyne not, he ſhall not haue perfyte knowlege whiche is Eaſte, weſt, Noꝛth, and South. Foꝛ many tymes the landes oꝛ medowes do not lye alway euen eaſt oꝛ weſt noꝛth oꝛ ſouth but ſometyme moꝛe of one parte than of an other, As Southe Eaſte, oꝛ South Weſte, noꝛthe Eaſt oꝛ Noꝛthe Weſt and ſome two partes of the one and but the thyꝛde parte of the other, as Noꝛthe noꝛth Eaſte, Noꝛth noꝛth weſt, Eaſt noꝛth eaſte, and Eaſt, ſouthe eaſt, Southe ſouthe Eaſt, and Southe ſouthe weſte, and Weſt ſouthe weſt, and Weſt noꝛthe weſt. But it nedeth not to a ſuruey-our to take ſo narrowe a dyuerſyte, but to butte it vpon the moſt parte as it lyethe, and than muſt the dyall gyue hym parfyte knowlege howe it ly-eth, and ſo muſte he tytell it in his boke, as ſhall appere hereafter, and he muſte ſtande in the myd-des of the flatte, whan he ſhall butte truely.

¶ Howe a man ſhulde but and bounde the fyldes. Capi-tulo. xxi.

The

¶ The northe felde vpon Dale furlonge.

¶ The Northe felde lyeth on the northe syde of the Towne and begynneth at the crosse at a furlonge called Dale furlonge, the whiche furlonge contayneth. xxx landes and two heed landes, and they butte on north and southe, wherof the south endes butte vpon the hall orche yerde, and vpon the crofte of I. L. and the northe endes but vpon Ryhyll. Than to begyn on the Easte syde next to the hye waye that leadeth to A. the persone hathe two landes the lorde thre landes. I. B. one lande. F. G. two landes, the Lorde foure landes, the pryour two landes, the persone one lande. R. E. two landes. M. L. one lande. H. L. one land. T. S. two landes, the pryour thre landes, the lorde two landes. G. H. one lande, the persone one lande, the lord two landes nexte to the weste syde, and the hedde lande nexte to the halls orche yarde, and the other hedde lande is the personnes nexte rye hyll, and yf the husbandes haue perfite knowlege which is a rod and whiche is an halfe acre, than it were better to saye the lorde hath an acre, conteynyng thre landes are made in foure or fyue landes, and I. L. halfe an acre made in two, and T. S. a rodde in one lande, and yf it be lasse than a rodde, than call it a but, howbeit a man may perceyue and knowe yf any man make two landes of one lande, or of one lande make two landes, bycause of the certayne nomber of euery flatte.

¶ Ban furlonge lyeth next to the same, and conteyneth. xxiii. landes, and one hedlande at the ouer endes, and they lye Easte and weste, and butte vpon Dale furlonge, at the nether endes, and on the southe syde nexte the personnes crofte. The

person

person hath thre landes, the pryour. i. lande. ℑ L. two landes. the lorde foure landes. ℑ B. ii. landes ℂ H. ii. landes, H L. one lande, G H. one lande. F G. one lande, R E. iii. landes, the pryour two landes, P Q. i. lande, the lorde hathe the hedlandes.

¶ Whethyl furlonge lyeth next to the same hedlandes, and it contayneth. xxvi. landes, and thre gores fother or pyke, and they be all one thynge, and be called so, bycause they be brode in the one ende, and a sharpe pike in the other ende, and they be alwaye shorter than the other landes, and they but vpon the sayde hedlande of the lande at the west ende, and vpon depe sydes at the Easte ende and to begyn at the north weste syde of the sayde flat, H L. ii. landes, ℂ H. ii. landes, G H. i. land ỹ lorde. vi. landes, ℑ C. ii. landes, the person, iii. landes, W C. ii. landes & one pike, the pryour. ii. landes & i. pyke. F G. ii. landes & i. pike, the lorde. iiii. landes, R E. iii. landes, ℂ H ii. landes, G H. ii. landes and the lorde. iii. landes next to the southest syde.

¶ Than tourne agayne to eye hyll, that conteyneth. xxvi. landes and two pykes, and but vpon Dale furlonge on the southe endes, & vpon longe medowe vpon the north west endes. Then on the south East syde next to the way, that leadethe to A. the pryour hath. ii. landes, G H. i. lande, the person two landes, ℑ B. ii. landes, F G. ii. landes, the lord. iii. landes, & ii pykes, W C. ii landes, R E. iii. landes, ℂ H. ii. landes, P Q. two landes, H L. ii. landes, the Lorde thre landes nexte to the balke, that the wyndmyll standeth vpon.

¶ P Q. the whiche holdeth a cotage of the lorde holdeth also the sayde wyndmyne, whereunto all the Lordes tenauntes are bounde to grynde all

theyr

corne and malte, that they occuppe of theyr owne at the sayde myne as well fre tenantes as other, and the lorde shall fynde all manee of tymber and yron werke, borde and nayles, and bryng them to the myne, and the myner shall nayle vp the borde, make his shafte and the sayle yardes, vphold and repayre the spindell and the rynde, the myne pykes and the sayle clothes, cogge and ronge, at his owne proper cost and charge, and shal pay by the yere. xx s. at the termes there vsuell, and to grynde the lordes corne and malte tolle fre, and to grynde it fyrste, nexte to the corne that is in the hopper, yf any be. &c.

¶ On the other syde of the wyndemyne balke lyeth a flatte called Pepls hyll, and it conteyneth fyue landes, and fourpykes, and one hedde lande, of the whiche landes there be syxe of them, that breake or cut in the myddes of the landes, as shal appere by the boundynge. And the sayde flatte lyeth betwene the common pasture, called the balke on the south East, and the forsayde medowe, called the longe medowe vpon the northe weste, and nexte vnto the forsayde balke, ℑ L. hathe .vii. landes, the lorde syxe landes and a pyke, the parsone foure landes and a pyke, ℑ B. four landes, ℑ G. two landes and a pyke W. L. thre landes R. E. two landes, at the vpper ende next to the hedland ℑ Q. the nether endes of the landes next to the longe medowe, T S. foure landes, H L. thre landes at the hedde, and ℑ L. the nether endes of the same the pryour fyue landes, the lorde eyght landes, ℑ. B. thre landes, G H. two landes and a pyke, ℑ G. one lande at the hed, H L. two landes butting vpon the same. i. lande, & vpon the medowe

the

the perſonne thre landes nexte to the northe Eaſt ſyde, and the Pryoure hathe the hedlande at the hedde. And this me ſemeth ſhulde be ſuffycyente inſtructyon for buttynge and boundyng of all the feldes one after an other. &c.

¶ Howe a man ſhulde but and bounde the medowes. Capitulo. xxii.

¶ The longe medowe belongynge to the Townefhyppe of Dale.

¶ The longe medowe lyeth vpon the northe ſyde of the northe felde, betwene the ſayd felde and the broke, that departeth the townefhyppe of Dale. and the townefhyppe of Dale, and the weſt endes butteth vpon the waye that leadeth to A. and the Eaſte ende of the ſame medowe vpon a cloſe of the ſayde Lordes, called the parke cloſe, and conteyneth. C. xxii. acres, this medowe lyeth in dyuers ſhotes of lengthe, ſomtyme in two ſhotes of length, ſomtyme in one, and ſomtyme in thre. Than to begyn at the weſt ſyde next to the waye that goth to A. on the ouer ſhote, the Lorde hathe foure acres. I C. two acres and a halfe, the perſon thre acres. I B. two acres and a halfe. F G. thre acres, the pryoure foure acres, the lorde eyght acres. And on the nether ſhote nexte vnto the broke nexte vnto the ſayde hyghe waye, F G. ii. acres, the pryour foure acres. G H. halfe an acre, M. C. two acres and an halfe, K L. fyxe acres, the Lorde ſeuen acres. Than to the longe doles that butte fro the ſayde northe felde to the ſayde broke, T H. foure acres, the perſone thre acres.

I C.

J C. an acre and a halfe, J B. an acre and a halfe the lorde syxe acres, P Q. thre acres, H L. thre acres. And at the nether ende of the sayde thre acres, J K. lorde of Sale hathe attached his weire of his mylne of Sale, for the whiche attachement the sayde J K. payeth to the lorde of Dale and to his heyres euery yere two shyllynges at the feaste of saynt Mychaell the archaungell, for all maner of seruyce. &c. Than to the ouer shote nexte the sayde felde, G H. an acre and a rodde, W C. thre roddes, R X. an halfe acre, the lorde two acres, the person halfe an acre, P Q. halfe an acre, the pryour two acres and a halfe, J C. ii. acres, the lorde foure acres, T. S. two acres nexte to the parke close. Than to the myddell shot nexte to the longe doles, F G. an acre, the person thre acres, J B. ii. acres, the Lorde foure acres, H L. two acres, the pryour foure acres nexte to the sayde parke close. Than to the nethermoste shote next the broke on the syde nexte to the longe doles, the persone two acres, R X. thre acres, the lorde foure acres and a halfe, G H. halfe an acre, the pryoure two acres, W C. two acres and a halfe, J C. halfe an acre, T S. two acres, J B. ii. acres in the corner nexte to the sayde parke close, and butteth vpon the sayde broke. And yf there be any mo medowes, than but and bounde them in lyke maner, for the mo medowes there be and the fewer shottes, the better maye they be bounded, for medowes go most commenly by acres, halfe acres, and roddes, and they oughte to be well staked bytwene euery mannes dole, and specially wel stoned with great stones bytwene, and set on a greate heyghte that they synke not farre in to the earthe, for the pro-

perte of a stone is to dyscende downewarde, and the property of earth to ascende vpwarde. Therfore they wolde be taken hede vnto betyme, and amended whan nede is. And this me semeth sufficyente. ꝛc.

¶ Howe a man shulde butte and bounde his pastures. Capitulo. xxiiii.

¶ The pastures belongynge to the same towne.

¶ The Lorde hathe a close called parke close, and it conteyneth. xxx. acres, and it lyeth bytwene the sayde medowe called longe medowe on the west parte, and a close of the persons called Oxhey on the East parte, and the sayde broke on the northe parte, and a feilde called Easte feilde on the southe parte, and it is worthe by the yere twentie shyllynges. ꝛc.

¶ The person hathe a close next to the same called Oxheye, and it conteyneth. x. acres and lyethe bytwene the parke close on the weste parte, and a close of J B. on the Easte syde, & the sayde broke on the northeaste parte, and a feilde called Easte feilde on the west parte. J do not value it, bycause it is not the lordes, the quantite of the acres therin is sufficyente. ꝛc.

The sayde J B. holdethe a lytell croste freely, belongynge to the tenemente called rye croste, and conteineth two acres, and lyeth bytwene the sayde persons close on the west syde, and the same that gothe towarde R. on the southeast syde, and buttethe vpon the hye waye that cometh from W. to the sayde towne of Hale on the northeaste syde, & the

the layde East felde on the west parte, I set it at no value, bicause he is a freholder, and renneth in the chefe rentes of his house, but and yf it be gyuen to the freholder by an other dede, than muste the surueyour expresse the chefe rente therof by it selfe. And it is the most spreyall poynt of a surueyour, fyrst to a viewe, but and bounde, both the towne and the hole lordshyp, or euer he desyre to se or loke vpon any euydence of any freholders. For this fyrste done, the Surueyour maye than parfytely knowe whether the freholder shewe his euydence for all his lande or not, and let the surueyour haue good remembraunce, what parcels of landes be conteyned in the layde euidence. And than maye he well perceyue whether he shewe for all or not. And yf the dedes be shewed fyrst, the tenaunte maye saye there is for all his lande, and the Surueyoure can not controlle hym nor saye nay. &c.

¶ F G. holdeth a croste of the lorde, lyinge nexte on the other syde of the layde lane called Gose croste, and conteyneth two acres and a halfe, and butteth vpon the layde hywaye on the northeaste syde, and the layde East felde on the west part. &c. And thus ye may perule, butte and bounde all the crostes, closes, and pastures about the towne and within the lordshyppe, whose so euer they be. And to expresse euery hyewaye, or croste, cõmen, balke, or marke pyt, where they lye, the whiche shall be a great redynesse many yeres hereafter. And yf there be any cõmen pastures where herdmen kepe their catell, or any commen woodes, mores, heythes, or suche other, they may not be forgotten to be butted and bounded as they lye. &c.

G.ii. Howe

¶ Howe a man shulde amende errable lande. Capitulo. xxiiii.

It is conuenyent, that an husbande kepe his errable lande lyinge rounde, that it be not to hyghe in the rygge, nor to lowe in the myddes of the sydes, nor to hye a lytel fro the raine, for than wyl the water stande in the sydes of the landes and drowne the corne. And thoughe there be no corne, yet it wereth the grounde and maketh it leane, for standynge water destroyeth grasse, and therfore it muste nedes destroye corne, the whiche is moch more tenderer than the grasse. And if it so be, than take thy ploughe, and begyn to plowe a forowe in the myddes of the syde of the lande, and cast it downe, as and thou shulde falowe it, and so peruse bothe sydes tyll the rygge be cast downe, and than take thy plough agayn and begyn to plowe where thou dyddest plowe fyrste and rygge all the remeynaunte vpwarde, and so shalte thou bothe caste thy landes and rygge theym, and all at one plowynge. And this wyll make the lande to lye rounde, the whiche is good bothe for corne and grasse. &c.

¶ An other maner of mendynge of errable lande is to mucke it, marle it, lyme it, or dunge it, with the carte or wayne, and as I sayde in the boke of Husbandrye, to set thy donge vpon the fyrst sturrynge whan it is rygged, for that is best for many causes, and yf thou laye it vpon the falowynge, than set thy mucke hepe in the reyne of the lande and than sprede it, and all that falleth in the ryg caste it out againe for els it dothe but lytell good, for it wyll be couered with earthe and syldome

sene

lene agayne. ꝛc.

¶ An other maner of mendynge of errable lande, is to lette thy shepe folde vpon it, and to flytte it euery daye, and it is better vpon the stuerynge, than vpon the falowe. and the shepe folde is better vpon the rye grounde, than vpon the wheate grounde. ꝛc.

¶ An other maner, whan a husbande hath moch errable lande, and hath no donge nor shepe to cõpost nor donge his lande with all, Than lette the husbande take his plough, and cast all suche landes thre or foure tymes to gyther, and make the rygge there as the rayne was before. And yf the landes be to brode whan it is so cast downe, than rygge eyther syde by it selfe, and so make two landes of one lande, or thre landes of two landes. And so shall he fynde newe moolde that was not sene in an hundred yeres before, the whiche muste nedes gyue more corne than the other dyd before. ꝛc.

¶ Howe a man shulde amende his medowes. Capitulo. xxv.

¶ See that there be no moldy warpes castynge in the medowes, and yf there be in Aprill let them be spred and beaten smalle. And this is best waye to spredde them and make them smalle. To take a great boughe of a tre, and to plasshe the bowes abrode and laye theym lowe, and yf they lye not brode ynoughe, than take other small bowes and bynde them faste to the same, and to ley a tree or two ouerwhart the bowes, to holde them downe flatte to the earthe, and to bynde the trees to the bowes that it fall not of. And than to booze an

hole with an auger in the great boughes ende, or elis to tye a rope faste to all the boughes endes to gyther, and to faste the teme to the same, and with oxen, or hoyses to drawe the sayde boughes, bothe vp and downe and ouerwharte the sayde moldy warpe hylles, the which shall spyede them better then any mannes handes can do, and that shall refresshe the grasse and make the medowes moche better. &c.

¶ An other maner of mendynge of medowes is, yf there be any rynnynge water or lande flodde, that maye be set or brought to ronne ouer the medowes, from the tyme that they be mowen vnto the begynninge of Maye, and they wyll be moche the better, and it shall fyll, drowne, & dryue awaye the moldye warpes, and fyll vp the lowe places with sandes and make the grounde euyn & good to mowe. All maner of waters be good, so that they stande not styl vpon the grounde. But specyally that water that cometh out of a towne from euery mannes myddynge or donghyll is best, and wyll make the medowes moste rankest. And fro the begynnynge of Maye tyll the medowes be mowen and they hay gotten in the waters wolde be set by and ronne an other way for dyuers consyderacyons. &c.

¶ To amende and make better, dyuers maners of pastures.

¶ It is vndoubted that there be diuers maners of pastures, as lowe grounde like medowe ground ley grounde, the whiche hath ben errable grounde of late, bushy grounde, the whiche somtyme hath ben errable grounde bushy grounde the whyche was neuer errable grounde, gorsty grounde, the

whiche

whiche hathe ben errable grounde, gozsty ground the whiche was neuer errable. Stome geounde heyth grounde, marrysche grounde, chalke ground flyntie grounde, chylturne geounde, and lyme-stone grounde. &c.

¶ To amende lowe grounde lyke medowe grounde.

¶ Ye shall do by it, as I haue shewed you in the nexte chapiter before of your medowes, and yf any water stande styll and wyll not voyde, make a dyche two or thre, as nede shall requyre, and vpon the sydes of the dyche that the water maye come in to it. Conuey the water awaye, and with a ploughe make dyuers forowes frome the sayde dyche vp in to the pasture, where the water standeth, and with a Carte, a wayne, or a sleyde, cary awaye the earthe that the ploughe tourneth vp, or elles it wyll stoppe the water on the one syde, and yf the ploughe forowe be to lytell, than make dyuers small dychesse and open them on bothe sydes, so that thou leaue no water standynge in the pasture no tyme of the yere. And melche kye, draught Oxen, labourynge horses and mares be most conuenient to go to gyther in suche pastures

¶ Howe to amende ley grounde, the whiche hath ben errable lande of late. Ca. xxvii.

¶ Ye must take hede howe the leyse lye, and specially that they lye not to hyghe, for yf they do, it is more profyte to the husbande to caste it downe agayn, and sowe it with otes one yere, two, or thre and to ley it lower and rounde in good temper, & se that no water stande at the landes endes butting on the hedde landes, & yf it so do, than with a a plough cast a forow toward ꝑ hedlandes & than

the water wyll folowe that forowe and make the landes dryc. But that forowe wyll nat serue paſt one or two yeres, but it muſt be renewed. And yf it waxe moſſye in wynter, then wold it be plowed agayne and ſowen with dyuers cornes, as the grounde requyreth. And at the fyrſte plowynge it wolde be plowed a ſquare forowe, as depe as it is brode and layde flatte and ſowen with otes, that the moſſe maye rotte, and than to lye falowe one yere, and than to be ſowen with wheat, rye, or barley, as the huſbande thynketh mooſte conuenyente. And yf it ſhulde lye falowe the fyrſte yere, the moſſe wyll not rotte, and at wynter it wyll be wette and drowne all the wheate and rye that it toucheth. And yf a man haue plentye of ſuche paſture, that wyll be moſſye euery thre yere let hym breake vp a newe pece of grounde, and plowe it and ſowe it (as I haue ſaye before) and he ſhall haue plentye of corne with lytell donging and ſowe it no lenger than it wyll beare plentye of corne without donge, and it wyll beare moche better graſſe ten or twelue yere after. And yf the leyſe be to brode, than make two landes of one lande (as I haue ſayde before) And ſhepe are the mooſte conuenyente catell that maye go on ſuche paſture, and beſt they wyll amende the graſſe, and to take good hede that ye ſuffer neyther breres, nor blacke thornes, nor none other maner of buſſhes to growe in your paſtures, and ſpecyally by the hedges. &c.

¶ Howe to amende buſſhy grounde and moſſye, that hathe bene arrable lande of olde tyme. Capitulo. xxviii.

¶ There is none other remedy, but to stocke and gette vp the bulshes by the rotes, and the lande plowed and sowne (as I haue sayde before) the reyst grounde if it be drye wyll bryng moche corne for the mosse wyll rot, and the mole hylockes wyll amende the grounde well. And yf there be any marle pyttes, that haue bene made of olde tyme within the same close, than whan the landes begyn to weare, yf he haue not sufficyent of suche bushie and mossy grounde to breake vp and sowe than there wolde be newe marle pittes made: the landes newe marled, the whiche is moche better than eyther donge, mucke, or lyme, for it wyll laste twentye yeres to gyther, yf it be well done, and shall be the better whyle it is lande. And I marueyle greatly that in the commen feldes, wher of olde tyme hath bene made many great marle pyttes, the whiche hath done moche good to the landes, that nowe a dayes no man doth occupy them ne make none other, and they nede not to doubte, but there is marle nowe as wel as was than, but as me semethe there be two causes why, one is, the tenantes be so doubtfull of theyr lande lordes that yf they shulde marle and make theyr holdynges moche better, they feare leeste they shulde be put out, or make a greate fyne, or els to pay more rente. And yf a lorde so do, me semeth he is vnreasonable, seynge that it was done all at the costes of his tenauntes, and not at his. The seconde cause is, that men be dysposed to ydelnesse, and wyll not labour, as they haue done in tymes past but passe forthe his tyme as his father dyd before hym, but yet me semeth a freholder shulde not be of that condicyon, for he is in a suretye, his eyelde

lorde can not put hym out doyng his duetye. And he knoweth well, he shall take the profyte whyle he lyueth, and his heyres after hym, a corage to improue his owne, the whiche is as good as and he had purchased as moche as the improuemente cometh to. And one man this doynge, wolde gyue other men corage and a good example to folowe the same. And all other countreys maye take ensample at Chester shyre, and Lancaster shyre, for many of theym that haue so done, haue made the improuement as good as the land was before. &c.

¶ Howe a man shulde amende bushy grounde that was neuer errable lande. Ca. xxix.

¶ Ye must consyder what the grounde is disposed vnto, and whether it be dyre or wete, or be disposed to beare wode, grasse, or corne. If it be dyre and full of grauell, it is better to beare wode, thā other corne or grasse. If it be weate grounde, it is not good for corne, but it wyll beare both wode and grasse. But and it be a blacke earthe and dyr it is good for corne, and it wyll quyte the coste to stocke it vp by the rootes, and to sowe it with corne. And yf it be whyte cleye, it is moste commenly a weate grounde, and than it is not good for corne, but it wyl beare bothe wode and grasse and an acre of woode, is as good as an acre of corne grounde, or of grasse, and in some places moche better. And yf ye wyll encrease the sayde bushy grounde, and to make more wode, than betwene Myghelmas and Martylmas, ye must gather many akehornes, and put theym in earthen pottes, for those wyll kepe them moyste, and in Februarye and Marche set the sayde akehornes in the sayde bushes, as thycke as ye wyll, and vndoubted

vndoubted they wyll growe. And also ye maye gette the keys of asshes, nuttes, and suche other, and set them in lyke maner, and to kepe all maner of catell that wyll eate any wode out of the same grounde tyll it be paste daunger of catell. &c.

¶ Howe to amende woode grounde that lyethe in seuerall pasture.

Capitulo. xxx.

¶ If they be greate olde trees, yf ye fell them by the earthe, there wyll neuer come any spryngе of them vp agayne, excepte they haue many smalle pumples and sprynges about the rotes. And therfore suche olde trees wolde be but lopped & croppes to beare more woode styll, and yf it be a good grounde to beare corne, and be but a fewe trees, than it were beste to stocke them vp by the rotes, and to plowe it and sowe it. And yf it be but yonge wode, ye maye chose whether ye wyl shrede it, loppe it, or croppe it, or fell it by the earthe. And yf ye fell it by the earthe, and kepe the spryng wel ye shall haue for euery tree two or thre trees, so that it be felde at a dewe season of the yere, and that is betwene Candelmas and Maye, wherof I haue spoken sufficiently ynoughe in the boke of husbandrye.

¶ Howe to amende gorsty grounde that hathe ben errable lande. Ca. xxxi.

¶ Ye shall vnderstande that there be two maner of gorse, and some men call them fyrse. One maner wyll growe on drye grounde, and that maner wyll growe as hyghe as a man, and haue a greate stalke, as moche as a walkynge staffe, and yf ye wyll suffer theym to growe and fell theym not, by processe of tyme when beastes go amonge

them

them, and specyally in wynter tyme for colde, and in somer for shade, that wyll cause them to dye. And many tymes and longe contynuall froste in wynter wyll kyll all these maner of gorse, and whan they be deade, yt ye plowe the lande againe and sowe it with corne, whan itlyeth ley agayne, the gorse wyll growe agayne. And the beste remedy for growyng agayn, is to put on suche maner of pasture many shepe to eate it bare, but in many places they set greate store by these maner of gorse, and specyally for theyr fewell, and wolde not gyue an acre of gorsty lande for two acres of errable lande. And on the maner of gorsty lande wolde growe good corne with lytell dongue, and it is more profyte to plowe it and sowe it, than to lye ley, excepte he kepe it for his fewell, and they growe moste commenly vpon dyrye grounde, somwhat sandy or graucly, and shepe is the most conuenyent catell ỳ may go vpon suche pasture.

¶ Howe to amende gorsty lande, that was neuer errable lande. Capitulo xxxii.

¶ If the grounde be dyrye, and growe full of suche maner of gorse with the greate stalkes, ye be at your lyberte to do as I haue sayde, and yf it be of the other maner of gorse or fierse, the whiche growe lowe by the earthe, and haue but lytel smalle stalkes, that maner of gorse geowethe alwaye on welspryngе grounde, somwhat moyste and weate, and it wyll neuer beare good corne, but hewe it vp to bake and brewe withall, for it wyll not lyghtly be dystroyed, for yf it be brende, it wyll growe agayne. But and there be marle

vnderneth

vnderneth in the grounde within the same close, yf ye make coste, than bren the gorse at Marche, and with a bygge and many oxen, plowe it and make smalle landes, and than marle theym and sowe them with Ootes, for that corne wyl grow best on suche grounde. And yf this wyll not serue it is paste remedy, for marle mendeth all maner of grounde but it is costely. &c.

¶ Howe to amende brome grounde.
Capitulo. xxxiii.

¶ Brome groweth alwaye vpon drye and sandy grounde, and it wyl beare good rye and Otes, but it wyll not endure to beare corne longe without it be donged with the carte or with the shepe folde, or bothe. And yf ye let it lye and plowe it not, the brome wyll come agayne, and shepe is the beste catell to holde it vnder, but neuerthelesse it wyll growe, and whan it is growen of a yerde of heythe or more, than it is good to bake and brew with, and specyally whan a house is thacked to take the brome and make it i quarters of a yarde longe, or there aboute, and prycke them in to the thacke by and by, and couer the thacke cleane ouer, and it shall bothe kepe oute weate and also saue it from pullynge downe with crowes, pyes, dawes, or choughes. And yf ye wolde destroye it whan it is growen thre or foure fote of heygthe, than about saint James daye fell it a fote aboue the earthe or more, and than the stalke wyll dye for a good season, but yf it be plowed agayne, it wyll growe as faste as euer it dyd, whan ye leaue plowynge.

¶ Howe to amende heythy grounde.
Capitulo. xxxiiii.

Ye

¶ Ye shall vnderstande that there be foure maners of heythe grounde. s. heyth growynge vpon grauell, and heyth groyng vpon sande, these two maner of heythe grounde wyll beare no corne without moche donge or mucke, for seldome is there any marle vnder that maner of heyth. And in many countreys where plentie of lyme stone is the husbandes do burn the lyme stone with wode and sedge, and make lyme therof, and do set it vpon theyre landes as they do theyr donge, and do spreade it in lyke maner, the whiche they cal moch better than donge, for lyme is hote of hym selfe. The other two maners of heythe is heyth growynge vpon whyte clay grounde, and heyth growynge vpon blacke earthe, that lyeth lowe lyke marrys grounde, and vndernethe these two maner of heyth grounde, there lyeth moste commenly marle. Than burne the heythe and serche for the marle, and dygge it vp and lay it thycke vpon the grounde and spreade it, and than plowe it and sowe it, and it is moche better than outher lyme, mucke, or any maner of dunge, and lenger it wyll laste, and se that there be no water standynge vpon the layde grounde. &c.

¶ Howe to amende marys grounde.

Capitulo. xxxv.

¶ There is none other remedy, but first to dreine the water cleane away. And this is a good meane to dreyne the water cleane away. First in the lowest close where the water maye be beste auoyded, make a greate dyche and a depe that the water maye auoyde. And yf all the water wyll not come to that greate dyche, but to stande styll in dyuers places, than make many small diches one into an

other

other, from the standynge waters, so that al these standyng waters may come into the great dyche and that by reason shuld dreyne the water cleane And in a dry somer ye may make many brode and depe dyches and seuer the marrys in dyuers pastures, and make brydges ouer the dyches in to euery close, and dyuers lanes made lyke a causeye to conuey the catell into, the pastures, so that one causeye or lane, may serue the closes or pastures on bothe sydes. And in the lowest place of euery close or pasture, make a trenche or a lytell dyche into the great dyche that gothe about. And this shal ye make by processe good pastures of marres grounde, and euer the lenger the better pastures, and spycyally yf ye put in so moche catell, it shall make the better grasse and the fyner. And melche kye, draught Oxen, and labouringe horses, is the best catel to make good pasture on marres groūd and shepe on drye grounde, for they wyll eate the grounde moste barest and that causeth the grasse to be good & fyne. And yf this maner of dychinge wyl not make the marres ground drie, than must you make a soughe vnderneth the earthe, as men do to get cole, yron, stone, leade, or tynne. And yf that wyll not serue, than kepe out your catell for feare of drownynge. &c.

Howe to amende bromye grounde and fearny grounde.

Cap. xxxvi.

¶ Bromye grounde, and fearny grounde, be moche of one nature, for they growe on sandye and drye grounde, And they wyll beare good rye, barley, bygge, or beyre, and Ootes, yf they be donged with shepe, carte, or wayne.

For

For suche lyghte grounde wyll soone weare and walshe with water, yf it be not donged. And yf they lye vnplowed, they wyl growe full of bromes and fearne, & yf ye wyll destroye the bromes whan it is growen thre or foure fote hye, In mydsomer moone or sone after whan it is full blomed, with a hedgyng byl cut the stalkes halfe a yerde aboue the earthe, so that ye leaue no greene stalke growynge vpon the rote, and that wyll cause it to dye. But and ye plowe it agayne and after let it lye it wyll growe againe, and yf ye mowe fearne whan it is younge, so that it be mowen before Mydsommer, by vse of suche mowynge, it wyll weare away.

¶ Of chylturne grounde flynty grounde and chalke grounde. Capitulo xxxvii.

¶ Chylturne grounde and flyntye grounde be lyght groundes and dryc, and full of small stones and chalke grounde is moche of the same nature and they wyl weare and washe awaye with water. And therfore they wolde be donged, as the brompe and fernye groundes be, for marle is seldome founde in these maner of grounders. And therfore yf ye wante shepe and donge, they wolde lye ley and rests them that they maye mende with lyenge.

¶ Of lyme stone grounde. Capitulo. xxxviii.

¶ Lyme stone grounde is very good, bothe for corne and grasse, and yet in some places there wil moche heyth growe vpon lyme stone ground and that is longe of euyll husbandrye. For and that heythe

hepth were brenned, plowed, and sowed the fyrst yere with Otes, and than salowed and sowed with wheate, rye, and barley, and after with beanes, or peas, it will beare moche corne with lytell donge, and shall beare alwaye after the better grasse. And shepe is the beste catell that can go vpon any of those syxe maner of groundes, and beste they will amende the grasse, and kepe them selfe from rottyng. And he that hathe lymestone, maye bren it with cole and wode and make lyme, wherwith he maye lyme his grounde, and that will bryng good corne, or he maye sell his lyme at his pleasure.

¶ What profytes maye come or growe to the Lorde by reason of his waters. Capitulo. xxxix.

¶ Fyrste ye shall vnderstande, that there be dyuers maners of waters, that is to saye, standyng waters, as pooles, meyres, or mootes, and stewes. And also rennynge waters, as greate ryuers, smale ryuers, brokes, suches, welsprynges, and pyttes, than what profyte maye come to the lorde of them. The lorde maye sette the fyshynges of all these sayde waters to his tenauntes for certayne rente, and he maye reserue to hym selfe certayne fysshe, or to fysshe certayne tymes, or at any tyme at his pleasure.

¶ The maner to make dyuers maners of mylnes. Cap. xl.

¶ Also vpon these waters, the lorde may set dyuers maner of mylnes, the which may be to the lor

des great ease and profyte. As vpon the great ryuers, corne mylnes, that be called grounde mylnes, and they be called grounde mylnes, bycause the ouer syde of the hedde sylle lyeth euen with the ouerslyde of the grounde in the bottom of the water. And also fullynge mylnes, otherwyse called walke mylnes, maye be made in lyke maner, and standē also vpon the greate ryuers. And than one whele is able to dryue two stockes that is to saye, bothe a potyere and a faller the faller bothe to scoure and herely, and the potyere to thycke the clothe. And commenly these milnes, be not set vpon the greate stremes of the greate ryuers, but a greate parte of water is conueyed oute of the greate streme by a mylne fleme made with mans hande to a certayn place, where wyse men thynke the mylne moste conuenyente to be set, & the sayde water to be holden vp & brought to the said milne by reason and settynge of a weyre ouerthwarte the sayde streme, made of trouse, tymber, or stone or of bothe. And whan it is past the mylne with a sufficient fall of the water, that the mylne stande not in backe water, to retourne in to the ryuer agayne. And in many places the sayde mylnes be set on the one syde of the great riuer, and a weyre made of tymber and stone to holde vp the water to the mylne, the whiche is a greate cost, & many tymes it wyll standē in lacke of water that it may not go well at a great flode, excepte the grounde warke be made very hye. But they be profytable both in grynding of corne and fullynge of cloth, and in takynge of moche tyssche. And in lyke maner these sayde two maner of mylnes maye be set vpon smale ryuers, without any fleme castynge,

but

but all onely his weyre to holde vp the water, and his flode gates to let it go at a flode, whan nede shall requyre. Also there be two maner of corne mylnes, that is to saye, a breste mylne, and an ouershote mylne, and those two maner of milnes be set and go moste commenly vpon smalle brokes, and vpon great pooles and meyres. And they haue alwaye a brode bowe a fote brode and more, and the ladelles be alwaye shrowded with compaste bordes on bothe syaes to holde in the water, and than they be called buckettes. And they muste be set muche nerer to gyther than the ladelles be, and moche more a slope downewarde to holde moche water that it fall not oute, for it dryueth the whele as well with the weight of the water as with the strength. And the mylner must drawe his water accordyng to his bokettes, that they may be alway full and no more for the lenger that they hold the water the better they be. Also an other maner of fullyng mylnes, may be set and go vpon the sayde smalle brokes, pooles, or meyres and those be called fallers, for a faller by hym selfe requireth not so greate strength of water as the potyer dothe, bicause the water cometh moste cōmenly ouer the whele, & the braces do but heue vp the two fete that fall into the stocke vpon the clothe, the whiche causeth the clothe to thycke & tourne. Also these mylnes that be set and go on smal waters, may go and ronne with a gogyn of yron vpon bulder stones, or vpon brasse as a bell dothe, for that wyll go moste lyghteste. But these mylnes that go vpon these greate ryuers, that be brode, heuy, and weyghtye, muste nedes haue two greate thycke hopes of yron foure ynchesse

brode, and an ynche thycke, and eyght or nyne ynches betwene the sydes, set on bothe endes of the shafte, for the gogyn of yron wyll not beare them and specyally the fullynge myne. And that myne that gothe with a gogyn, yet muste it haue on eyther ende of the shafte a hope of yron and bulders vnder, and yf the gogyn fayle or waxe lose, but it shall not touche them bothe at ones. And let the myner take good hede bothe to the gogyns, and hoopes that they be not lose, for than wyll the shafte endes brenne of. For than he hurteth his Lorde, his mayster, or hym selfe, for myne shaftes be costely. But in so moche as there is great profyte to the lordes in makyng of these mynes, and the moste rente is reysed vpon so lytell grounde and ofte tymes for wante of the sede of discrecyon and experyence of good makyng, there be many defaultes made in them, and specyally in makyng of the myne trough, where ỹ myne whele gothe, for ofte tymes they make it to holowe and depe vnder the whele, that the water standeth therein whan the myne gothe not, for the tayle syl wolde lye bare and drye whan the myne goth not. And the tayle sylle wolde lye twenty ynches or. xviiii. vnder the hedde sylle, and the trough wolde not passe four inches holowe at the moste, and as longe as it maye receyue thre ladelles, the fourthe ladell entrynge the water; and the lyfte ladell leauynge the water. And the strake sylles bothe aboue and vnder wolde be of good lengthe so that the whele come not nyghe to the draught gate by two fote or more, for the further fro the gate, the bygger and the swyfter is the streme. And the lenger that the ladell is, the better it is,

so

so that it haue suffycient water. And than the myner nedeth not to drawe vp his gate so hyghe as and the ladell be shorte, for the ebber the water is, the swyfter it is. And a double bowed whele is moche better thā a syngle bowed whele for many causes, yf there be suffycient water, and better it wyll kepe the ladelles from solynge. The ladell moste commenly of a double bowed whele wolde be thre fote longe and a fote brode, and to drawe vp his draught gate nyne or tenne yncheis is suffycyente. And than shall not the bowe of the whele be hyd nor couered in the water. and than it goth swyftely. And vpon the great ryuers the ladelles maye be an elne longe, but for the weight and drawynge vp of the draughte gate. &c. The greater compasse the whele is, the lasse water wyll dryue it, but it wyll not go so ofte about as a lytell whele wyll do. But the cogge whele in a corne myne, is a greate helper, yf it be well pyched, well cogged, and well ronged, syxe ronges. and .xl viii. cogges, are beste for a greate ryuer. For than the mylne stone goth eyght times about and the water whele but ones, and euery ronge kepeth his owne cogge (et econtra) and chaungeth not on any syde. And for a meane water syxe ronges and .xiii. cogges is beste. And for the ouershot myne syxe ronges and .xxvi. cogges is best. For the cogge whele maye not be of so greate a compasse as the other cogge wheles be. And in all these pykes, euery cogge kepethe hys owne ronge. And yf ye put in any whele a cogge or two cogges, mo or lasse, than as I haue sayde, shall euery cogge chaunge his ronge at all tymes, so that it be not very truely pyched, it wyll not go

well, and yf it fortune to breake a cogge, as it lyke to do, it wyll than breake many of them, except he shote downe his draught gate shortely, and lykewyse a wyndemylne. Howe be it a wyndemylne hathe neuer vnder. xlviii. cogges or. liiii. &c. but they must be so pycked, that euery cogge kepe his owne ronge, and seuyn ronges are not profytable for they go lately. Of horse mylnes I do not speade of the makynge, for I haue not experience of them, as I haue of watermylnes.

¶ Also the Lordes and theyr tenauntes haue an other maner of profyte by reason of these waters ouer and besyde these maner of mylnes or fyshynges, and that is by reason of the waterynge of theyr catell and beastes bothe wynter and somer, and specyally of the rynnyng waters, as ryuers, brokes, surches, and welsprynges, for they done seldome freese or neuer, and they wyll be colde in somer and warme in wynter, and yf a close want water it hathe a greate meame and is moche the worse.

¶ Furtheremore it is conuenyent for a surueyour that whan he hathe surueyed his Lordes landes, and sene what profytes and aprouementes maye eyse and be made within the same, that he shewe his Lorde therof and aduyse hym to do it, and to make the coste. For it is vndoubted, that a man can not make to sure purchase of any maner of lande, better tytell, nor lyghter coste, nor more aduauntage to hym selfe, than to improwe, amende, and make better, his owne olde inherytaunce. I meane not by the heyghtinge reysynge, or increasynge of the rentes of theyr tenauntes, but alonely in mendynge and makynge better his errable

landes

landes, medowes, leyse, and pastures, and in mas kynge of water mylnes, wyndmylnes, horse mylnes, fullynge mylnes, syth mylnes, cutler mylnes, be it by water or draughte of horses, smethy mylnes, or suche other. And also of getting of all maner of profytes, as well vnder the earth as aboue (as before is remembred) in the syxte chappter.

¶ And by the reason of these improuementes me semeth a man might make euery townesshyp that standeth in the playne champyon countre and occupyed in tyllage halfe as good agayne in al maner of profytes to the tenauntes as it was before yf the lordes therof and theyr tenauntes can agre of the costes that shulde be made therof. And neuer a house nor cottage to be decayed nor lette downe, and to haue as moche land in tyllage and plowynge as there was before, and theyr corne and grasse shulde be better saued and kepte from distroyenge.

¶ Howe to make a townesshyppe that is worthe .xx. marke a yere worthe xx.li. a yere. Capitulo. xli.

¶ It is vndoubted that to euery townesshyppe that standeth in tyllage in the playne countreye, there be errable landes to plowe and sowe, and leyse to tye or tedder theyre horses and mares vpon, and commen pasture to kepe and pasture theyre catell, beastes, and shepe vpon. And also they haue medowe grounde to get theyr hey vpon. Than to lette it be knowen howe many acres of errable lande euery man hath in tyllage, and of the same acres in euery felde to chaunge

with his neyghbours, and to leye them to gyther and to make hym one seuerall close in euery felde for his extable landes and his leyse in euery felde to ley them to gyther in one felde, and to make one seuerall close for them all. And also an other seuerall close for his porcyon for his commen pasture, and also his porcyon of his medowe in a seuerall close by it selfe, and all kepte in seuerall both in winter and somer, and euery cottage shal haue his porcyon assygned hym accordyng to his rente, and than shall not the ryche man ouerpresse the pore man with his catell, and euery man may eate his owne close at his pleasure. And vndoubted, that hey and strawe that wyll fynd one beast in the house, wyll fynde two beastes in the close, and better they shall lyke. For those beastes in the house haue shorte heare and thynne, and towarde Marche they wyll pylle and be bare. And therfore they maye not abyde in the felde before the herdmen in wynter tyme for colde. And those that lye in a close vnder a hedge haue longe heare and thycke, and they wyll neuer pyll nor be bare, and by this reason the husbande maye kepe twyse so many catell as he dyd before.

¶ This is the cause of this approuement. Now euery husbande hathe fyue seuerall closes, whereof three be for corne, the fourthe for his leyse, the fyfte for his commen pastures, and the fyfte for his haye, and in wynter tyme there is but one occupyed with corne, and than hathe the husbande other fyue, to occupy tyll lente do come, and than he hathe hys fallowe felde, his ley felde, and his pasture felde all sommer.

And whan he hath mowen his medowe, than he

hath

hathe his medowe grounde, so that and he haue any weyke catell, he maye put theym in any close he wyll, the whiche is a greate aduauntage, and yf all shulde lye commen, than wolde the edysshe of the corne feldes, and the aftermathe of all the medowes be eaten in ten or twelue dayes. And the ryche men that hath moche catell, wolde haue the aduauntage, and the poore man can haue no helpe, nor releke in wynter, whan he hathe moste nede. And yf an acre of lande be worthe syxe pens or it be enclosed, it wyll be worthe eyght pens, whan it is enclosed, by reason of the compostyng and dongynge of the catell, that shall go and lye vpon it bothe daye and nyghte. And yf any of his .3. closes that he hathe for his corne be worne or waxe bare, than he maye breake and plowe vp his close that he hadde for his leyle, or the close that he had for his commen pasture, or bothe, and sowe them with corne, and lette the other lye for a tyme, and so shall he haue alwaye reyst grounde the whiche wyll beare moche corne with lytell dongue, and also he shall haue greate profyte of the woode in the hedgys whan it is growen, and not all onely these profytes and aduauntages before sayde, but he shall saue moche more than all these, for by reason of these closes, he shall saue meate, drynke, and wages of a shepehearde, the wages of the herdeman, and the wages of the swyne hearde, the whiche maye fortune to be as chargeable as all his hole rent, and also his corne shall be better saued from eatynge or dystroyinge with catell. For doubte ye not, but heardemen with theyr catell, shepehearde with theyr shepe, and tyeng of horses and mares, dystroyeth moch

come, the whiche the hedges wolde saue. Per aduenture some men wolde saye, that this shulde be agaynste the commen weale, bycause the shepherdes herdemen, and swyne heardes, shulde than be put out of wages. To that it may be answered though those occupacions be not vsed there be as many newe occupacyons that were not vsed before. As gettyng of quycke lettes, dychyng, hedgynge, and plaschynge, the whiche the same men maye vse and occuppye. Also it maye fortune men wyll saye, that and all shulde be enclosed, that there wolde be many foule lanes as there be in Essex, but for that there maye be a prouysyon, and that is thus, where the kynges hyghe waye is, yf it be dyrte grounde, stony grounde, or sandy grounde, in all suche places maye be lanes made of a conuenyente brede, for the kynges people to passe thorowe with all maner of carryage. And where it is softe grounde lyinge leuell, that the waters maye not well passe by the dychesse, at euery hedge that gothe ouerwharte the hye waye there to make a gate, and stone it or grauell it in that place. And than hathe euery man the hole close to ryde, carry, or go in, as they had before, lykewyse as they do at the wynde gates a this syde Chorley in Lankashyre, and lykewyse betwene towne and towne, and as to theyr owne dyrte lanes to theyr closes, let them make them for theyr owne ease as they wyll haue them. &c.

¶ The moste indifferentest meane to make these approuementes, as me semeth is this. All the lordes of one towne, be there neuer so many, shulde be all of one assente, that theyr tenauntes shulde exchaunge theyr landes one with an other, and

the

the sayd exchaunge to stande and endure for euer for doubte them not, but they knowe it beste, and euery tenaunte for his owne aduauntage wyll do it indifferently, and the curate of the same parish for his parte, and euery lordes bayly to be indyfferente, to se these closes lotted and assygned to euery mannes ease, so that euery man maye haue one lytell crofte or close nexte to his owne house, yf it maye be, thoughe he haue no lande of his owne. Thys done let euery lorde by his copy of courte role or by indenture, to make a sufficiente lease to euery of theyr tenauntes, to haue to hym and to his wyfe, and to his chyldren, so that it passe not thre lyues, than beynge a lyue and named, yeldynge and payenge to theyr lordes and to theyr heyres, the olde rentes and serueces, before due and accustomed, durynge those thre lyues, vpon this condicyon. That they shall do or cause to be done, durynge theyr lyues, sufficyently to quycke set, dyche, hedge, and plasshe, whan nede is, all the sayde closes, and so kepe them durynge theyr lyues, the whiche wyll be a great charge to the tenauntes. But yet me semeth they may well do it, yf they entende to thryue, and specially do remembre the profytes that maye come to theym afterwarde. There is an olde sayenge. Quod leuis est labor cum lucro, that is to saye. That labour is lyghter where wynnynge foloweth, and moche of this labour maye be done by hym selfe, and his seruauntes, at a conuenient tyme, so that he lette not his husbandrye. It is to moche to be done in one yere, two, or thre, but and they maye do it in syxe or ryne yeres, as the feldes go about, they hyre them well, for it is to costely for husban-

des

des to hyre it to be done. And the lordes me semeth can do no lasse, than to graunte them these thre lyues of the olde rente, remembrynge what profytes they maye haue at the ende of theyr termes, they knowe not howe soone. For vndoubted, one sette daye cometh at laste, and thoughe the aduauntage of the Lordes come not as none, it wyll come at length. And therfore sayth the Philosopher. Quod differtur non aufertur, that thynge that is differred is not taken away, and in the meane tyme the Lordes haue no maner of losse, nor yette make no costes, but at theyre pleasure. &c.

¶ Londini in ædibus Roberti Redmani, prope Ecclesiam Sancti Dunstani sub intersignio diui Georgij excus.

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